Second Session - Fortieth Legislature

of the

Legislative Assembly of Manitoba

Standing Committee on Social and Economic Development

Chairperson
Mr. Bidhu Jha
Constituency of Radisson

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Fortieth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT

Thursday, September 5, 2013

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Bidhu Jha (Radisson)

VICE-CHAIRPERSON – Ms. Sharon Blady (Kirkfield Park)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Ashton, Hon. Ms. Howard, Hon. Messrs. Rondeau, Struthers

Ms. Blady, Mr. Cullen, Mrs. Driedger, Messrs. Eichler, Gaudreau, Jha, Mrs. Rowat

Substitutions:

Mr. Ewasko for Mr. Eichler at 10:40 p.m.

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

PUBLIC PRESENTERS:

Bill 31–The Workplace Safety and Health Amendment Act

Ms. Michelle Gawronsky, Manitoba Government and General Employees' Union
Mr. Dave Sauer, Winnipeg Labour Council
Mr. Kevin Rebeck, Manitoba Federation of Labour
Mr. Cory Szczepanski, Brandon and District Labour Council
Ms. Choele Chapple, Manitoba Association for Rights and Liberties
Mr. Rob Hilliard, United Food and Commercial Workers
Mr. Clint Wirth, Public Service Alliance of Canada
Ms. Michelle Balina, Manitoba Hydro, Cupe Local 998
Mr. Marty Dolin, private citizen

Bill 37–The Emergency Measures Amendment Act

Mr. Kenton Friesen, International Association of Emergency Managers–Canadian Council

Bill 40–The Residential Tenancies Amendment Act

Ms. Marianne Cerilli, Social Planning Council of Winnipeg
Ms. Lynne Summerville, private citizen
Mr. Gordon McIntyre, Winnipeg Rental Network
Mr. Brian Grant, private citizen
Mr. Josh Brandon, Canadian Centre for Policy Alternatives

Bill 208–The Universal Newborn Hearing Screening Act

Ms. Andrea Richardson-Lipon, private citizen
Ms. Sharen Ritterman, private citizen
Ms. Maureen Penko, Manitoba Speech and Hearing Association
Ms. Diana Dinon, private citizen
Mr. Darren Leitao, private citizen

WRITTEN SUBMISSIONS:

Bill 2–The Highway Traffic Amendment Act (Respect for the Safety of Emergency and Enforcement Personnel)

Doug Dobrowolski, Association of Manitoba Municipalities

Bill 31–The Workplace Safety and Health Amendment Act

Ben Kolisnyk, Canadian Federation of Independent Business

Bill 34–The Property Registry Statutes Amendment Act

Peter Currie, Ontario Association of Professional Searchers of Record

Bill 37–The Emergency Measures Amendment Act

Doug Dobrowolski, Association of Manitoba Municipalities
John Lindsay, private citizen

MATTERS UNDER CONSIDERATION:

Bill 2–The Highway Traffic Amendment Act (Respect for the Safety of Emergency and Enforcement Personnel)

Bill 31–The Workplace Safety and Health Amendment Act

Bill 34–The Property Registry Statutes Amendment Act

Bill 37–The Emergency Measures Amendment Act

Bill 40–The Residential Tenancies Amendment Act

Bill 208–The Universal Newborn Hearing Screening Act

Bill 211–The Personal Information Protection and Identity Theft Prevention Act

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Clerk Assistant (Ms. Monique Grenier): Good evening. Will the Standing Committee on Social and Economic Development please come to order.

Before the committee can proceed with its business before it, it must elect a new Chairperson. Are there any nominations for this position?

Hon. Jennifer Howard (Minister of Family Services and Labour): I nominate Mr. Jha.

Clerk Assistant: Mr. Jha has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Jha, would you please take the Chair.

Mr. Chairperson: The next item of the business is the election of a Vice-Chairperson. Are there any nominations?

Ms. Howard: I nominate Ms. Blady.

Mr. Chairperson: Ms. Blady has been nominated. Any other nominations?

Hearing no other nominations, Ms. Blady has been elected as Vice-Chairperson.

Meeting has been called to consider the following bills: Bill 2, The Highway Traffic Amendment Act (Respect for the Safety of Emergency and Enforcement Personnel); Bill 31, The Workplace Safety and Health Amendment Act; Bill 34, The Property Registry Statutes Amendment Act; Bill 37, The Emergency Measures Amendment Act; Bill 40, The Residential Tenancies Amendment Act; Bill 208, The Universal Newborn Hearing Screening Act; Bill 211, The Personal Information Protection and Identity Theft Prevention Act.

I would like to inform all in attendance of the provisions in our rules regarding the hour for adjust–adjournment. Except by unanimous consensus, the standing committee 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 at 6 p.m.

As of 6 p.m. this evening there were 21 persons registered to speak to these bills as noted on the list of presenters before you. Therefore, according to our rules, this committee may not sit past midnight to hear presentations.

Considering this, what is the will of the committee?

Ms. Howard: Yes, I think we definitely should sit until we're completed our business. And, if we get to midnight, we can reassess at that point.

Mr. Chairperson: Is that agreed? *[Agreed]*

On the topic of determining the order of public presentations, I will note that we do have out-of-town presenters in attendance marked with an asterisk on the list. As well, we have two presenters, Michelle Gawronsky and Dave Sauer, who are presenting at both committees this evening. In order to avoid any timing conflicts perhaps I may suggest that the committee hear from these two first.

With these considerations in mind then, in what order does the committee wish to hear the presentations?

Mr. Ralph Eichler (Lakeside): Mr. Chair, we'll hear the two earlier presenters and then, if there's will of the committee, we'll hear the out-of-town presenters after that.

Mr. Chairperson: Agreed? *[Agreed]*

Public presentation guidelines–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 the audience who would like to make a presentation this evening, please register with the 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 material as–we ask you to provide 20 copies. If you need help with photocopying, please speak to our staff.

As well, I'd like to inform presenters that in accordance to–with our rules, a time limit of 10 minutes has been allotted for presentations, with other five minutes allotted for questions from the committee members.

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

The following written submissions have been received and distributed to the committee members: Doug Dobrowolski, Association of Manitoba Municipalities**,** on Bill 2 and 37; Ken Kolisnyk, Canadian Federation of Independent Business, on Bill 31; Peter Currie, Ontario Association of Professional Searchers of Records, on Bill 34; John Lindsay, private citizen, on Bill 37.

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

***** (18:10)

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 mics on and off.

Thank you for your patience. We will now proceed with the public presentations.

Bill 31–The Workplace Safety and Health Amendment Act

Mr. Chairperson: The first presenter here is Michelle Gawronsky, president, MGEU. I'm sorry if I have mispronounced your name.

Ms. Michelle Gawronsky (Manitoba Government and General Employees' Union): You've done a wonderful job. Gawronsky.

Mr. Chairperson: Thank you. Go ahead.

Ms. Gawronsky: I have copies. Thank you very much.

On behalf of the Government and General Employees' Union and our 40,000 members, we are pleased to provide our comments and recommendations on the bill introduced by honourable Ms. Howard, Minister of Family Services and Labour, as Bill 31, The Workplace Safety and Health Amendment Act. My name is Michelle Gawronsky, and I am the proud president of the Manitoba Government and General Employees' Union.

I would first like to thank you for the opportunity to present here today and also for the opportunity for our staff and members of the MGEU to actively have participated in public consultation and review of the process conducted by the minister's advisory council on matters related to the workplace safety and health. The Manitoba Government and General Employees' Union supports the bill, as it has incorporated changes which benefit not only MGEU members but all Manitoba workers.

The objective of The Workplace Safety and Health Act, or the act, is to prevent death, injury or illness being caused by working conditions. The act establishes a framework for preventing or minimizing exposure to risk. We believe that Manitoba's review of the act moves the Province in a positive direction, making our legislation consistent with other provincial jurisdictions and, in some respects, advances beyond.

A number of technical, miscellaneous and editorial amendments are also suggested in Bill 31, which assists in clarifying intent and administrative process. These changes will support the effective administration of Manitoba's workplace safety and health regime.

I'll highlight some of the areas of significance where we support the direction of the proposed act. In 'punticular,' the entrenchment of the four fundamental rights of workers–the right to know, the right to participate, the right to refuse dangerous work and the right to protect from discrimination–in plain language clarifies the very purpose of the act, the protection of workers from poor working conditions, and their ability to participate in positive resolution without fear of retribution.

The right to refuse dangerous work is strengthened to ensure conditions in the workplace are actively investigated before a subsequent worker is asked to perform the work. This process should ensure that unsafe work isn't simply offered to another worker, putting them in harm's way. This is wonderful.

In recent years, prosecutions and the application of the administrative penalties have been woefully lacking. With renewed focus on enforcement, we anticipate that the legislation will be applied as intended, as a deterrent to those who may otherwise fail to comply with the law. Also, Bill 31 expands and improves the application of administrative penalties to immediate risk situations, discriminatory action and non-compliance with legal orders. It also streams lines–streamlines the process for application of the penalty. This will hold the employer accountable.

Workplaces with smaller workforces and/or seasonal employment will see changes to requirements for safety and health training and also establishment of safety and health representation. This will only improve Manitoba workplaces.

Workplace safety and health committees will have their ability to fulfill their duties strengthened, to access training and receive compensation to prefare'–prepare for and attend meetings and to make written recommendations to the employer and receive a written response in a timely fashion. This will, too, empower the committees.

We also support the establishment of the chief prevention officer position to provide independent monitoring and evaluation of the effectiveness of prevention activities. And, of course, we also support the recognition of unions as the interested third parties and their inclusion in variance applications, appeals and Labour Board decisions.

Although the aforementioned changes move us in a positive direction, there are areas of legislation reform that we will continue to pursue. We suggest that the numerous issues raised during the review of the act that were set aside for inclusion on regulatory review be addressed in the near future: orientation and training provisions, additional improvements to construction zone safety, and greater recognition of occupational diseases. In addition, we would–I would also like to thank the government for moving forward with recent reviews on prevention services, development of the chief prevention officer five-year plan, and the WCB claims suppression pass–this past fall and winter. We would like to commend the government on the recent announcement of a study related to qualifying the issues of claim suppression. Thank you very much.

In closing, we believe these reviews and, in particular, the review of The Workplace Safety and Health Act will make a positive difference to the working experiences of all Manitobans in the future. We request that the Cabinet approve Bill 31, The Workplace Safety and Health Amendment Act.

Thank you very much for your time.

Mr. Chairperson: Thank you very much for your presentation.

Hon. Jennifer Howard (Minister of Family Services and Labour): Yes, thank you very much, Michelle, for coming and on this hot night. It's not as hot as it has been, but.

I just wanted to ask you, I know you got long experience both as a labour leader but also, I know, as a worker and someone who's worked on safety and health issues. From your experience, is there anything you that you have seen that you think are best practices or models for other workplaces or other organizations when it comes to encouraging safety in the workplace? One of the things we're trying to do, this bill is a lot about enforcement, and that's what legislation is about, but one of the things that we're also trying to do is build a safety culture throughout workplaces. And I wonder if you have any advice for us on a couple of best practices or hints that we could be doing to do that.

Ms. Gawronsky: The best that I can suggest right off the hop is the inclusion we had as employees in a health facility, the first time we were actually asked to come and sit in on a health and safety meeting and actually have us listened too–when you listen to the front-line workers on what's happening. So that's the best advice I can give to any employer anywhere. The best production you're going to get from your employees is to listen to what they have to tell you. They just want to be able to do their job, do it safely and go home to their families at the end of the day.

Mrs. Leanne Rowat (Riding Mountain): Thank you for your presentation, Michelle; it was great. I'm wondering if you would go into a little more detail with regard to the orientation and training provisions–and improvement in construction zones is pretty self-explanatory–but the orientation and training provisions and the greater recognition of occupational diseases, can you just explain a little bit more to our committee?

Ms. Gawronsky: The orientation and training provisions, I believe that is we need to improve and keep improving. I know there's going to be some improvement to them, but we need to keep improving all employees to the orientation and training of health and safety. No matter where you

work, no matter what your age is, I believe everyone should go into it knowing that their safety comes first, and that's first and foremost. So, if we do a very in-depth orientation and training session when they first come into the workplace, that's one of the biggest areas that we can also start improving on. And the occupational diseases, of course, there's many, many out there, too numerous to actually mention right off the hop. The one that hits me the most, of course, is the firefighters with asbestos fires, different lung cancers, different cancers that are caused through stress in the workplace and that kind of stuff.

Mrs. Rowat: Just one further to that. But the occupational diseases, I realize the firefighters have done a lot, but is there any other occupations that you are aware of through your *[inaudible]*

Floor Comment: I know of–

Mr. Chairperson: Ms. Gawronsky, kindly address the–through the Chair, if you don't mind. *[interjection]* Thank you very much.

***** (18:20)

Ms. Gawronsky: One of the greatest ones that I know, just from a personal experience, is farmers. Farmers are often–aren't trained, and they often have their children working in areas where there's chemicals and different uses of different machinery that could be causing different occupational diseases and stuff–especially the chemicals that they're spreading on their fields in doing certain things.

I know within the health field, people that are doing CSR work or sterilizing of equipment for operations and stuff, there's chemicals that they're using to clean the instruments, and we're not sure exactly how that's relating, but some of the lung diseases–asthma and such like that–could be a contribution.

So I think some more study needs to be done into that, as well.

Hon. Jon Gerrard (River Heights): Thank you, Michelle. Manitoba has tended to have higher time-loss-to-injury rates than other provinces, and I wonder if this came up in your deliberations and if you have any particular comment on this.

Ms. Gawronsky: It's been a–it's always a discussion around our tables in the Union Centre. It's been a discussion in my home, in my community, other areas that we go to. The lack of training, safety equipment, that is in a lot of private industry places, and now this is going to address a lot of them, will bring it up. I believe that has a lot to do with injuries that are happening. And people that are injured, perhaps, that don't realize they need to look after that injury before they go back into the workplace, that's 'perative.' People don't understand that, so a lot of education and training, that'll come into–that will help.

Mr. Chairperson: Thank you very much. There are no more questions. I thank you for your presentation.

Ms. Gawronsky: Thank you very much for your time.

Mr. Chairperson: And I would now request Mr. Dave Sauer to come and make the presentation.

Mr. Dave Sauer (Winnipeg Labour Council): Thank you, Mr. Chair, and thank you for pronouncing my name correctly. That doesn't happen very often.

Anytime, or do you want to wait 'til everybody gets coffee?

Mr. Chairperson: Go ahead.

Mr. Sauer: Okay. All right.

The Winnipeg Labour Council is proud to have an opportunity to present its views regarding Bill 31, The Workplace Safety and Health Amendment Act. My name is Dave Sauer; I'm the president of the Winnipeg Labour Council. We're an organization that represents 47,000 workers in the city of Winnipeg from 76 affiliated union locals. We've been in existence since 1894 and have a long history of civic engagement.

Issues of workplace safety and health have been a priority of the labour movement since day one. Many unions affiliated to the Winnipeg Labour Council formed under the pretext of safer working conditions for their members. It's in this spirit that we appear here today in support of Bill 31.

From the government of Manitoba's Five-Year Workplace Injury and Illness Prevention Plan, of which Bill 31 is a part, the goal is to make Manitoba the safest place to work in North America. This is an important pursuit. Workplace injuries and death destroy the lives of workers and their families, disrupt workplaces and communities, and puts an enormous strain on our health-care system and our economy. Preventative action is the best protection against workplace death and injury.

Bill 31 is an important step in ensuring a safer and healthier Manitoba. The Winnipeg Labour Council is most pleased to see the enshrinement of the four workplace safety and health rights into law: the right to know, the right to participate, the right to refuse unsafe work, the right to exercise these rights without repercussion. These four rights are essential to safe and healthy workplaces. They enable workers to have full understanding of their workplaces, how their workplaces operate in a safe and healthy setting. Should a workplace fail to meet safety and health standards, workers are empowered to protect them and their co-workers.

All workers, no matter the size of their workplace, have a right to go home safe to their families every day. Among other things, Bill 31 expands the scope of these rights to workers in smaller workplaces, ensure stronger workplace safety and health committees, and prevents employers from assigning dangerous work to other workers after said work has been refused.

We believe tougher penalties for employers who operate unsafe and health–unhealthy workplaces are warranted. Workers need protection when they speak up; all too often workers who voice their concerns over health and safety issues are targeted by employers. This needs to stop.

Workers should have every right to raise matters of health and safety to their employer without retribution. They're only ensuring that everyone goes home safe and sound to their families at the end of each workday. This noble action should not be met with scorn. We believe free passes on workplace safety and health violations is wrong. Under current rules, employers can be cited multiple times for violations without financial penalty. We believe this approach allows for lax health and safety standards in workplaces. The WLC believes automatic penalties for high-risk violations are an appropriate response; otherwise, how will repeat violators get the message?

Similarly, we believe expanding penalties to employers that put off improvement orders is also warranted for similar reasons. Employers need to understand that safe work practices are the law and not simply recommendations. Lives and livelihoods are at stake.

There are recommendations that we'd like to make. However, just to show respect to Brother Kevin Rebeck from the Manitoba Federation of Labour, his organization did work hardest on recommendations, so I've left it up to this evening to field those recommendations. We are in support of this bill, and we are in support of the, I guess, words you will hear from Brother Rebeck later on.

Mr. Chairperson: Thank you very much.

Ms. Howard: Thank you very much, Dave, for your presentation. I appreciate your support for some of the directions we're taking on the enforcement. And we're going to talk mostly about enforcement tonight, because that's what the bill is about, but I know that you know that there's a whole strategy that talks about prevention and education and training and all of those other things.

And I guess I just want you to know that the new enforcement measures, I think when our officers go out, their first effort is always to educate, to work with employers to get safety, but we've experienced, and you've experienced, a few instances where, even though those are the best intentions, you have an employer who just absolutely will not do what they're asked to do. And, in those instances, we feel that our officers do need the ability, especially if there's an imminent risk, to apply a penalty immediately, and so that's why that's in the bill.

And the other thing you talked about, that workers should be able raise concerns without fear of retribution, although that is a right currently, there is no penalty if that happens. And, in our opinion, when that happens, it creates a chill through the workplace, and it's necessary to say clearly that that's not acceptable practice. So I want–just want to thank you for your support on those efforts to strengthen our enforcement.

Mr. Sauer: Thank you for doing it.

Mr. Gerrard: One of the things that I raised earlier on, and I would offer you an opportunity to comment, our rates for time loss for injury have been tended to be higher than other provinces and whether you can comment on, you know, why you think this has been, and what sort of discussions you've had relative to this in moving forward on the bill. *[interjection]*

Mr. Chairperson: Mr. Sauer.

Mr. Sauer: Sorry. I would hearken back to the discussion that was about creating a safety culture. I think that is something you need to do. You look at a lot of European countries; their time-loss injuries are much, much lower, because they've actually taken the time to go through it with their workforce

and establish proper, you know, safe work procedures. And it's become a safety culture.

I just spent the summer in Finland with a friend who works, actually, in a nuclear power plant, and he asked me last year–I remember when we were travelling together–you know, how many workers die on the job every year in Canada? It's over a thousand. He was absolutely astounded.

A country of five million, they had, I think, three last year, is what he cited. That's incredible. I think that's a safety culture. That's something you want to emulate, and I think that's what needs to happen in this.

Now, to create a safety culture, you have to sort of establish it from the top. The business owner's the one who owns that workplace; it's their responsibility to make sure it's a safe and healthy workplace. If they get it, then the workers will start getting it, because it's–training will trickle down. If that training does not trickle down, the unions will be there, the workplace health and safety committees will be there to sort of uplift that. So I think it is an entire change in safety culture.

Another thing I would like to encourage and something that I've seen happen frequently with this government is they've operated on an increased funding model for the SAFE Workers of Tomorrow program that goes out to high schools and teaches students about workplace safety and health and creating that safe and healthy workplace culture.

I actually had an opportunity yesterday to volunteer with the Steinbach Regional Secondary School; they were doing all of their grade 10 students, quick, little half-an-hour, 45-minute presentation, basic rights on the job, hazards to watch out for on the job, and workers compensation. That's creating a safe and healthy culture in workplaces, so I think that's the model that we need to keep following. This is one more step in that direction. We've got a five-year plan; I think we're on year 1. Got a lot to do.

Mr. Chairperson: Thank you very much for your presentation.

Mr. Sauer: Thank you for having me.

Mr. Chairperson: Now, I'd like to request Mr. Kevin Rebeck.

Mr. Kevin Rebeck (Manitoba Federation of Labour): Thanks and good evening.

Thanks for the opportunity to provide input into the consideration of Bill 31, The Workplace Safety and Health Amendment Act. The Manitoba Federation of Labour represents over 96,000 unionized workers from 27 unions across the province. For decades, the Manitoba Federation of Labour has been the leading voice for Manitoba workers in promoting safe and healthy workplaces.

***** (18:30)

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

Before speaking to the specifics of this bill, I'd like to comment on the Manitoba's Five-Year Workplace Injury and Illness Prevention Plan, of which Bill 31's an important component. The plan followed a comprehensive consultation and review process in which we were pleased to participate, and although the plan doesn't go as far as our members would like in some areas, it is a comprehensive and ambitious plan, and we urge all members of the Legislature to support the government in implementing it.

In particular, we like the goal of making Manitoba the safest place to work in North America. That's an aggressive goal, but we believe it's achievable and Bill 31's one part of a strategy to get us there. I want to put it on the record that we support Bill 31, and we have some modest suggestions to improve it. We support the bill for three main reasons. First, the bill would enshrine in law and strengthen the four fundamental workplace health and safety rights: the right to know about hazards in the workplace; the right to participate in identifying, assessing and eliminating workplace

hazards; the right to refuse unsafe work; and the right to exercise those rights without punishment.

Although government training courses reference these four rights, The Workplace Safety and Health Act does not currently recognize them in a clear and explicit way. Workers regularly consult and reference the act and regulation booklet when dealing with safety issues in the workplace. A clear statement on their rights will make it clear to both workers and employers that these rights are the foundation of our health and safety system and must be respected.

Bill 31 would make the right to know more meaningful for workers in workplaces with fewer than five employees by granting these workers the same information rights currently granted to joint health and safety committees and to health and safety representatives. It's critical that all workers have a meaningful right to know.

The bill would also strengthen the right to participate in workplace health and safety decisions by strengthening joint health and safety committees in the workplace. Committees would be mandatory in more workplaces and seasonal workplaces; employers would be required to respond in writing to communicate recommendations that come from either the worker or employer co-chair, preventing the employer from systematically blocking worker recommendations; and, finally, the bill will clarify rules to ensure that workers must be fully compensated for time spent working on official committee business. The right to participate would also be strengthened by requiring health and safety representatives in smaller workplaces than before.

Bill 31 would strengthen the right to refuse unsafe work by prohibiting an employer from assigning work that's been refused as unsafe to another worker, until the process for investigating that concern has been completed. This would prevent employers from pressuring or intimidating vulnerable workers into performing unsafe work. And the bill would also require provincial safety and health officers to provide written reasons if they rule that work refused under the right to refuse is not dangerous. Obviously, a work refusal's a serious matter, and requiring written reasons would reflect that seriousness.

A second general reason why we support Bill 31 is that it would impose tougher penalties and sanctions for employers that flout safety rules. Expanding the application of administrative penalties to employers that take discriminatory action against workers for exercising their rights is a very positive step. When employer punishes a worker who speaks up for their safety, they do send an intimidating message or a chill, as the minister put it, in a workplace that makes it clear that raising health and safety issues is not welcome. That threatens the safety of all workers in the workplace and is obviously a very serious violation that merits a financial penalty.

The MFL has, in the past, raised serious concerns about the fact that employers get at least one and, in many cases, several warnings before financial penalties are imposed. This essentially gives employers free passes, by which they know that, even if they are caught breaking the rules, they have one or more opportunity to avoid a penalty. By enabling automatic penalties without warnings for high-risk violations, Bill 31 moves to address our concern, and we applaud this.

We also applaud the move to expand the scope for stop-work orders, to streamline the application of administrative penalties and to apply penalties to employers that backslide on improvement orders. These changes help send a message to employers that flouting safety rules will not be tolerated in Manitoba.

And the third reason we support Bill 31 is that it will enhance transparency and accountability. Workers deserve to have access to information about the health and safety records of their employers. Parents should be able to find out information about the safety records of their kids' employers. And this bill would empower the Province to make more such information public. Other provinces already provide more information about workplace safety records, details about serious injuries and fatalities, compliance records, et cetera. Manitoba workers deserve the same.

Entrenching the office of the chief prevention officer in the act and providing him or her with a legislated mandate to provide independent advice about workplace illness and injury prevention is a very positive step. We look forward to public annual reports on the state of health and safety in Manitoba workplaces.

Although we support Bill 31 for strengthening safety rights, for toughening up penalties and sanctions and for enhancing transparency and accountability, we do have some modest suggestions to improve the bill.

First, we believe the chief prevention officer should be empowered to conduct investigations and make recommendations in areas not assigned by the minister. This would provide the CPO with some independence and autonomy to pursue safety concerns and solutions independent of government.

We also think all recommendations and reports prepared by the chief prevention officer should be made public, not just the CPO's annual report.

And while the power of the director of the Workplace Safety and Health branch to conduct investigation is going to be laid out in the act, the MFL recommends that timely, prevention-oriented investigations that are made public be legally required for all workplace fatalities.

Where the training rights of joint health and safety committee members are clarified and strengthened, we recommend that the training rights of committee members be converted from a right to a requirement to ensure that all committee members are adequately trained and that it be expanded from two days to five.

Provisions dealing with the rights of workers and employers to appeal decisions of the branch should also be expanded–the right to appeal decisions about the right to refuse dangerous work and decisions about medical investigations of workers.

This bill should ban workplace incentive programs that discourage reporting of injuries. Such programs constitute organized claims suppression and they should be banned.

Thank you for this opportunity to provide a worker perspective on the bill. We hope you'll pass this into law at your earliest opportunity.

Mr. Chairperson: Thank you for your presentation, Mr. Rebeck.

Ms. Howard: Thank you very much. Thanks, Kevin. I'm just chuckling to myself at your last statement. Our earliest opportunity, I think, has passed, but our next opportunity is around the corner to pass the bill.

So I want to thank you for your input into this law and other issues. I know you work on many of our committees, along with representatives from employers, and that process is one that tries to achieve consensus. And I just want to tell you how much I appreciate your commitment to that process. And, as usual, you've told us where we're going right and you've laid out a path for the future, and I appreciate that. We're not probably going to be able to do everything that you've suggested here today, but, like all bills, this is one step and there will need to be future steps if we're to put in place our strategy for prevention. So thanks for your ongoing commitment to this work.

Mrs. Rowat: Thank you for your presentation. Obviously, you have some very good points with regard to Bill 31 and the reasons for its implementation. You also indicated there were some areas to be considered going forward. Of these that you've listed, which one would you consider the most concerning or would fit mostly–most with the current bill in itself.

Mr. Chairperson: Mr. Rebeck.

Mr. Rebeck: I was waiting.

Thank you for the question. I think we've been pretty straightforward with government that our largest concern is where employers have incentive programs to prevent reporting of workplace injuries and claims. This is a far too frequent process. It's a hard thing to pin down because people are intimidated, people are put into a position where the culture is: let's not report a claim, you'll still get paid; let's not a report a claim and everyone will get a pizza lunch at the end of the month. And you're put in a position that if it isn't a life-or-death type injury, that there's a lot of pressure to stay silent about it, to not address what caused that workplace injury and to not get it fixed so that others aren't protected and made safe.

***** (18:40)

So this is an ongoing concern. There's been some good work by this government investigating claim suppression. There's a bunch of committees and work being tasked through Workers Compensation Board to work on this file, and it's one that we'll be aggressively drawing attention to, until we feel that it's been adequately addressed.

Mr. Gerrard: Thank you for your presentation, and I agree that the goal to be the safest place in North America's a good one.

My question to you is: How will you measure it? Will that include things like the time-loss-to-injury rates?

Mr. Rebeck: Sure. I think that's an excellent question on how we do measure that because some of the measurement tools that we use don't paint the whole picture for things. And time-loss rates is one that I think is a measurement that's there, but, again,

if people are being told not to report claims–and claim suppression isn't a unique problem to Manitoba; it's something that is rampant with the funding model of the Workers Compensation Board.

So we need to have more measurements than that. We need to have an aggressive prevention plan in place, and there's some steps being taken to do that. And we need to figure out what the might–right metrics are to be able to see our health and safety committees meeting regularly in workplaces, or concerns being raised through some of the new mechanisms that they can be raised. So I think there's a number of ways that we need to figure out how to do that, and the best way to do that is by getting employer and worker representatives together to figure out what are those metrics that we can track and keep track of to make sure that we are making improvements and gains that are real to workers.

Mrs. Rowat: You've indicated that that's where you'd like to go. Is there any country or jurisdiction that you would share with committee that would be a model to follow?

Mr. Rebeck: I think there's a number of countries that have been dealing with a funding model, so I guess there's a few areas that you're really touching on there. There's the Workers Compensation Board system itself, and then there's health and safety measures and acts, so I don't have a specific country that I'd name. I think some different countries are leaders in different ways, and what we need to do is find our best way to use those best practices and bring them forward. And, as has been mentioned earlier, the best way to do that is when you have true worker input and employer input to make workplaces safe, to make them productive and to ensure that everyone who comes to work in the morning or evening goes home at the end of their shift, safe and home.

Mr. Chairperson: Thank you. Thank you for the presentation.

Now, I would like to call on Mr. Cory–*[interjection]*–Szczepanski. Mispronunciation of your name, I apologize. I wish I could read better than that. Thank you.

Mr. Cory Szczepanski (Brandon and District Labour Council): Sorry. Thank you. My name is Cory Szczepanski.

Thank you to all the committee members for allowing this submission. I hope you take what I'm about to say into consideration, due to the fact that health and safety is the most critical part of the work that I do every single day.

I work in steel production manufacturing facility that handles millions of pounds of steel a month. In our line of work, it's very easy to lose a limb or get killed while trying to put in an eight-hour shift, five times a week. I also represent thousands of United Steelworkers, as the president of the southern Manitoba area council of United Steelworkers, and I'm also the president of the Brandon and District Labour Council, again, representing thousands of more workers in all kinds of jobs, from meat-cutting to firefighting.

My work as an advocate for workers' rights steps outside the realm of union shops as well. I've been contacted by many non-union workers, telling me stories of their workplaces and many times asking for help in figuring out ways to make their bosses listen to health and safety concerns or, worse yet, being fired for getting hurt or simply asking questions. These real life stories of the every-day worker, trying to earn a living; in Manitoba, we see far too many workplace deaths and serious injuries. This is not due to the fact that we have dangerous industries in Manitoba, but a multitude of issues that can be corrected through proper legislation. And Bill 31 is a great step towards that.

I applaud our government for bringing these ideas forward and the conduction of reviews of Workers Compensation Board, prevention and health and workplace safety. It shows this government recognizes there are issues out there and they're trying to work on them.

There are parts in this bill that are much needed to strengthen our basic rights in the workplace, such as our right to refuse dangerous work. I've been involved in the exercise of the right to refuse, and many times have seen confusion between supervisors and employees and what is supposed to happen when a worker invokes this right. I've seen management try to dance around the situation and ask others to do the work or intimidate the worker who is refusing the unsafe work. Legislation is needed to clear up this area and make a law that employers must follow a series of clear steps to address the safety concern and that employers cannot pressure others to do the work that's been refused before the safety concern is addressed, and Bill 31 will strengthen that right to refuse in this way.

Bill 31 will improve health and safety workers–will improve health and safety for workers across

this province by making joint health and safety teams mandatory for our–more workplaces. A further improvement to our health and safety committees that will help thousands of workers across the province and get home safely every day is a proposed change to allow either worker or the employer co-chair to bring forward safety concerns and recommendations. When companies put profits ahead of employees' safety and they refuse to allow costly safety initiatives to be brought forward, people's lives are at risk. These committees are designed to be equal. By allowing either co-chair to present ideas is a positive step to safer workplaces.

Bill 31 also–will also save lives by enforcing laws with stiffer penalties. The only way business seems to listen is when their pocketbooks or bottom lines can be affected. If our Province brings penalties with large financial implications they will act on safety concerns, better train workers and create prevention programs. As it stands now in Manitoba we do not have nearly enough health and safety officers for the amount of workplaces and the geographical area they are required to work, and employers know this. Many companies would rather gamble with people's lives and cut corners to get the job done faster or to do the job–rather than to do the job in a safe way or what legislation requires them to do. We need laws in Manitoba that would penalize companies that try to play the system or ignore their responsibilities as employers.

Prevention is something that has been overlooked for many years now, and I'm very pleased to see the provisions in Bill 31 on the chief prevention officer role. Companies need to have programs and tools available for them to start programs in the workplace. Right now, we have private companies that teach a variety of behavioural-based safety programs that skew statistics and don't really prevent accidents or deaths. I would further recommend the committee look at allowing this role to work at an arm's-length from the minister and the government and give this office the power to call for inquiries or conduct investigations and make recommendations.

As I've already stated, I am in favour of Bill 31 and I think it's a giant step towards safer, healthier workforce, but would also like to point out some other recommendations I believe should be considered. First, when it comes to training our health and safety committee members, currently we have the right to two days of training per year and, I believe, like the MFL, that this should be expanded to five days of training. Today we work in very complicated environments and we deal with many issues on day-to-day. Our health and safety team members could be dealing with exhaust and fumes, accident reports, asbestos in our workplaces, to deadly temperatures. Our health and safety team members are on the floor and they are relied on by co-workers, but also by management, and I believe we owe it to these volunteers to train them properly with the most up-to-date training we can.

The final concern I would like to talk about is one of workplace incentive programs that was just brought up. These programs vary in nature, but all have the same result and that's claim suppression. There are programs designed by private industry that are intended to bring down the number of claims companies make to WCB in order to take financial advantage of the–an incentive in the WCB-rate model. This problem has grown to an epidemic proportion. Some workplaces pay straight-up cash if you don't file a report of an injury. That is a very large bonus to many workers and it creates a hostile environment. Fifteen hundred dollars has been reported to me that some workplaces give out by month to their workers if they make it throughout the month on their shift without reporting a claim of an injury or lost time, and that large bonus can cause a hostile workplace. On those work crews, you'd be cast out pretty quickly for getting hurt and losing money for others.

***** (18:50)

In my workplace, we've had, up until recently, an incentive of free meals for each quarter our shift could go without having an injury in our department. Each meal would escalate in desirability the longer our department went without an injury. This alone causes bullying and intimidation amongst co-workers, and very often, too, today, when somebody gets hurt, the first words out of their mouths is: Oh, oh. There goes our chicken dinner.

This, of course, has led to people not reporting their injuries because of programs as they didn't want to anger anybody, pardon me. We need to recognize these types of programs as claim suppression and not allow companies to use this type of intimidation in the name of profits.

I would like to conclude by asking the committee to think about the recommendations that I have made and go forward with Bill 31, a great step towards making Manitoba one of the safest places to

work in North America. And thank you, again, for allowing me to be here.

Mr. Chairperson: Thank you for your presentation.

Ms. Howard: Yes. Thanks, Cory Szczepanski, for coming.

Floor Comment: You're welcome, Minister Howard.

Ms. Howard: You can call–it's okay–you can call me Jennifer.

I want to talk to you a bit about the incentive programs, and I know this is an issue that you and others have raised a few times with me and publicly, and what I've been thinking about is, I think, not all, but for some employers the intent behind that is honourable. What they're trying to do is create incentives for safe behaviour. The impact may not be that. They may be, indeed, creating incentives for not reporting injuries, which is not in anybody's interest.

So one of the things I've been thinking about is a way to get at it, instead of direct banning it, is there a way to frame some guidelines or something that says, you know, you could have an incentive program for–if a certain percentage of your crew gets this kind of training you get–there's an incentive? Or that kind of turns it on its head a little bit so that you're ensuring that what you're 'incenting' is behaviour that leads to greater safety. And just trying to refine some of the guidelines so it's not just an incentive, go without an injury for this long and you get something, but take some positive action that leads to a safety culture and there's an incentive for that.

So I don't know if you have any thoughts or other examples about that, but that's kind of–that's the way that I've been thinking that we might try to approach this issue.

Mr. Szczepanski: That's a very valid point. It's something that we've discussed many times. When I first started at my company 10 years ago, they used to pay you to report–not every individual, but they would do draws for hazard reporting. So, if you put hazard reports in by identifying hazards in the workplace or unsafe conditions, they would make monthly draws out of the amount of people that put in these hazard reports and you would get a $25 gift certificate to a local business in Brandon. We've gone from that to the incentive meal programs. They've backed away from training; they've backed away from monthly health and safety meetings because they–this program seems to be working for them. But, in reality, as I said, I hear more and more stories of my co-workers who said: I didn't want to say anything because of the dinner, that we've had blood poisoning, we've had to have hospitalization because of unreported injuries. We've had fights with WCB about why my co-worker didn't report the injury, and I'm, as a worker rep with them, having to explain the fact that they didn't want to say anything because they didn't want to lose the pizza. Workers Comp wasn't–they didn't really care about our incentive program when it came to that.

So, in our last round of negotiations, we had to negotiate an incentive program that did not include anything to do with health and safety, and, thankfully, our company had listened. So we have incentives on, like you had mentioned, training, on overtime things, on absenteeism, on cleanliness of the area, which includes hazards and different things, keeping a clear area. So they've got a bit of health and safety involved in there, but it's not based on reporting injuries.

Mrs. Rowat: A couple of things: One, going off of what Jennifer just indicated with regard to incentives, would that–does that have to be in legislation or regulation? Would education of business maybe be a better way to do that? Because I know that if non-union companies that have a few employees, this may not be something that would necessarily work for them, so do you believe that this would be something that you need to legislate or regulate?

Mr. Szczepanski: Yes, unfortunately I do believe that this is something that needs to be in legislation. We've created a billion-dollar industry of third-party companies coming in to teach companies how to save money through the rate-setting model program–that's what we've gone to. They are all about incentive programs, all sorts from DuPont safety STOP, which is a very popular one; we have Safety Services Manitoba, which has several different incentive programs that they can teach your company. We do not have education on prevention. We do not have the tools out there on prevention that companies can access in the same way as we do have behavioural-based safety programs.

Unfortunately, statistics show that it saves money, and if you take a company that is a multi-million dollar global company and they're paying millions of dollars in premiums to WCB, it is definitely a financial incentive for them to bring

those costs down. If they can save a million dollars a year and put that in their books by having less claims, it's an easier route for them to go rather than to invest in strategies on prevention and training that costs them money.

Mrs. Rowat: Again, you were talking about large corporations; I'm not sure about smaller ones. But I'm–if you wanted to just address that at one–and then also go into explaining your position here with regard to two days of training per year and this would expand to five days of training, and I know that Kevin also mentioned that. Can you explain to me the reason for that expansion to five days and do you–again, I'm looking at smaller operations. I know that within your corporation and your association that may be easier to do, but what about small operations or farming operations, you know, small businesses? How do you see that fitting into their schedules and their opportunities to be–

Mr. Chairperson: Yes, unfortunately the time has expired–five minutes. But I'll request an answer. Mr. Szczepanski, please give your response.

Mr. Szczepanski: You bet. I'll roll it all into one, Leanne.

So we've been talking a lot about prevention and training, so the two days versus five days and a smaller company versus a bigger company, anybody's life is worth more than what we're talking about here when it comes to a floor of any sort or a farm. If we can train people to work safely, to recognize hazards and remove them, to work with different chemicals, to know what an MSDS sheet is, to know how to look them up in different things–this is the training that requires more than just two days. To learn how to write an accident report, to learn how to take notes and do interviews, to learn how to look things up with MSDS, to learn all the great laws that we have in this province that already do protect workers and families, to be able to exercise that on the shop floor or in your workplace, any sort of leadership training–investigations are probably the largest ones that take the most complicated amount of time to go through–and that's why I would recommend going from two days to five days.

And to–just to finish off with that, as a worker on a shop floor and having co-workers beside me who are identified as health-and-safety team members, I witness every single day people rely on those people to know everything. They're under a great amount of pressure to know everything, but it also comes from the supervisors and management, and they'll say your own team didn't do that. Well, our own team is made up of volunteers that are production welders and everything else. We are not professionals in this. So any amount of training would benefit every worker in the province.

Thank you very much, everybody.

Mr. Chairperson: Thank you very much.

Now the next presenter is Laura Ealing–*[interjection]* If the person is absent, their name will be dropped to the bottom of the list and we will continue with calling the next presenter.

The next presenter is Choele Chapple. Do you have any written presentation or are you–

***** (19:00)

Ms. Choele Chapple (Manitoba Association for Rights and Liberties): I just have brief *[inaudible]*.

Mr. Chairperson: Okay.

So kindly distribute that, thank you.

Yes, go ahead and make your presentation.

Ms. Chapple: Thank you for having me.

The Manitoba Association for Rights and Liberties applauds the new Manitoba Five-Year Workplace Injury and Illness Prevention Plan and the work to strengthen The Workplace Safety and Health Act through public consultation and review process conducted by the ministry's Advisory Council on Workplace Safety and Health.

These amendments strengthen and clarify the four health and safety rights of workers: the right to know about hazards in the workplace; the right to participate in health and safety activities in the workplace; the right to refuse unsafe work; and the right to exercise these rights free from discriminatory action. This is done through a number of measures including expanding and improving the application of administrative penalties, empowering the Province to make public information about enforcement activities, strengthening joint health and safety committees in the workplace, expands the number of workplaces requiring a workers' safety representative and more internal safety resources for small workplaces.

The new five-year plan aims to make Manitoba the safest workplace in–sorry–the safest place to work in Manitoba. To achieve this goal, MARL believes the bill should include the following amendments: ban workplace incentive programs

that discourage reporting of injuries as such programs constitute organized claims suppression; and a specific requirement for an extensive new young-workers safety orientation at the time of hire.

Bill 31 amendments make Manitoba a safer place for workers, which is in the best interest of business and industry. This bill is a positive step forward for workers and employees.

Thank you.

Mr. Chairperson: Thank you.

Ms. Howard: Thanks very much. Thanks for coming tonight.

On the suggestion of a requirement for an extensive new young-workers safety orientation at the time of hire, I do want to assure you that is our intention to go forward with that. I think that's something that was in our five-year strategy. We need to do a little bit more work on that.

One of the things that we need to do some more work on specifically is ensuring that everybody knows what constitutes a training and orientation program, and that's something we've heard both from workers, but also from employers, particularly small employers that often employers will shell out a lot of money for a training program. They'll put everybody through it and then they'll find out that, oh, actually, it doesn't actually train people to do the things that are in the law. And so we think we probably do have a role to help everybody know what is a comprehensive training program, to regulate that somewhat so that both when employers are laying out money to train people, but also so everybody knows, oh, as a young person or a new worker I've been through this training program. This training program complies with all of the parts of the law so I know what I'm supposed to know.

So it is our intention to go down that path, but we're going to take a little bit of time just to make sure that when people are trained we all agree with what they're trained to do. So I just wanted to let you know that.

Mr. Chairperson: Ms. Chapple, do you have any response?

Ms. Chapple: No, that sounds good to me.

Mrs. Rowat: Thank you for your presentation. I think you've outlined a couple of unique areas that I will, at some point, give you a call and learn more about. So thank you for that.

Mr. Gerrard: One of the things about Manitoba's situation is that we've had a higher time-loss-to-injury rate than most other provinces, and I wonder if you're–this suggests that we have a less-safe work environment and maybe you would comment on this in respect to this bill.

Ms. Chapple: That's something that I would not have the expertise in. From MARL's standpoint it would be more anecdotal and, sort of, more reading the research that was done by–more of the labour movement. So they would probably be the individuals to speak to on that. Sorry.

Mr. Chairperson: Thank you.

Now, the next presenter is Rob Hilliard. Go ahead, Mr. Hilliard.

Mr. Rob Hilliard (United Food and Commercial Workers): Just for the benefit of the committee, I'm not going to be reading from the submission that's being handed around here right now. Our union has addressed many of the amendments in Bill 31, and the rules don't allow me half an hour here to read that to you, so what I'm going to do instead is show one example of, in our experience–in our union's experience, of how one of the amendments can make a real-life change–effect, positive effect in workplaces and help prevent injuries.

We do want to point out, however, that that is our position on the bill. We are in favour of the bill. We think it can make a number of good improvements and we wanted to leave that with you so that you understand where we sit on a number of those particular amendments.

I also want to say something about our union. We represent about 15,000 workers in this province, across a whole range of economic sectors from retail to food processing, manufacturing, warehousing, hospitality industry, security, health care, and our membership is approximately 50 per cent male and 50 per cent female, and we also have a very high percentage of new arrivals to Canada in our membership. So we have a very broad experience in dealing with a very broad array of issues in workplace safety and health in Manitoba.

What I would like to discuss is one of the amendments in Bill 31, and that's the amendment that will allow either committee chair to refer an issue to the employer for a written response. I'm going to illustrate for you why that's important, in our opinion. Early in 2009, at a poultry processing plant where UFCW represents the workers, an air

quality problem developed. The workers were being exposed to something in the air that was causing them to have red irritated eyes with excessive tearing, runny noses, sneezing, coughing, difficulty breathing, sore scratchy throats, and for some of these workers, they even had difficulty sleeping at night because these symptoms would persist through the night and kept them awake. The workers complained to management, they filled out WCB green cards, which is an incident report card kind of a situation–kind of a report and they made complaints to the joint workplace safety and health committee. Management responded by hiring a firm to conduct air monitoring tests for–to determine what the levels of chlorine in the air might be. The reason they did it–they tested for chlorine is because chlorine had been recently introduced to the process. There was a chlorine-like odour in the air and it was suspected that chlorine must be the problem.

The air monitoring, however, indicated that the concentrations for chlorine were very low, very much below the threshold limit values. Nevertheless, the workers continued to have these–experience these symptoms. However, after conducting the air monitoring, management took a different attitude about the whole thing. They felt that since they had tested for what they felt was the likely problem and it had been demonstrated that chlorine was not at a sufficient level in the air to cause any problems, they then started to threaten workers for continuing to fill out these incident reports. They also started to berate them, said that this is all in your head, you've got colds, you're making this up, you're exaggerating the problem.

As a result, the workers stopped filling out these incident reports; however, they still continued to experience the symptoms. They made complaints–they still continued to make complaints to the joint workplace safety and health committee. The employer then said, okay, we'll get you some respirators. About 75 per cent of the workers in this area were able to use the respirators which helped a lot but didn't eliminate the problem. There were still about 25 per cent of the workers that couldn't use the respirators because they couldn't breathe properly through them. Management said, okay, try goggles to help with the problems with the eyes. The problem with the goggles is they fogged up, and, if you're holding sharp knives on a production line and you're making cuts in birds that are going by, fogged goggles is a much greater hazard, so the goggles were abandoned.

The workplace safety and health committee started to deal with the problem in July of 2009. It's recorded in the joint workplace safety and health committee minutes of that month. Over the course of the next two and a half years, this issue was raised in 21 more meetings as a problem that was still not being dealt with. Every time it came up for a vote on the committee about referring it to management for a written response, it was a tie vote. All the management representatives voted one way and all the worker representatives voted another way. Tie vote, nothing happens. And nothing did happen. The issue just went on with workers complaining, with workers going to see their doctors, but nothing done to change the situation.

***** (19:10)

In April and May of 2011, our union decided to conduct what we call a symptom survey. We gave cards to all the workers in the area and asked them to fill them out about what there were experiences were when–on any given day that they had problems. A hundred and seventeen of these cards were returned to us in those two months, and they listed all the symptoms that I talked about before.

We even got two cards back from two inspectors from the Canadian Food Inspection Agency, who weren't our members and we didn't even give them the cards, but they found out they were there and they wanted to fill them out, because they, too, were having problems.

We gave this information to management. They ignored it and did nothing. So UFCW then decided to contract with a firm who had expertise in occupational hygiene, Elias consulting. Mr. Elias, the principal, was a former head of Occupational Hygiene of the Department of Labour in Manitoba; he had more than 20 years of experience as a senior corporate occupational hygienist for the Health Sciences Centre and over 40 years' experience in the field.

Mr. Elias met with some of the workers who were–had these problems. He also conducted some of his own research. And he found that this used to be a very common problem in poultry plants in the United States, in the 1990s in particular. He also found that the national institute for safety and health, NIOSH, which is a federal agency in US, conducted several studies.

And what NIOSH determined was that chlorine was not the problem after all. They said instead what

it was was chloramines, which is a compound formed when chlorinated water comes into contact with ammonia from the eviscerated birds. When it's combined like that, then this compound of chloramines is produced. Chloramines has a chlorine-like odour; chloramines also produces symptoms that all of these workers had.

NIOSH recommended that better ventilation be put in these–in places where this occurred and that engineering controls be implemented such that the chlorinated water no longer came in contact with the ammonia from the eviscerated birds. When they did that, the problem disappeared.

Again, we gave this information to management; again, they did nothing and ignored it. The union felt we had no options left other than to make a formal complaint to the Workplace Safety and Health division, which we did. They responded by sending out an occupational hygienist to the workplace on two occasions. She made inspections; she determined that in fact it was likely chloramines was the problem again; and she met with management and made the recommendations that NIOSH had made.

She asked them, are you prepared to put these recommendations, and they said no. They didn't see any real need to do that. So she wrote an improvement order, and management initially appealed that improvement order, but eventually they relented and put in the recommendations that NIOSH had made and the Workplace Safety and Health division had made. And the problem diminished greatly. It's not gone, but it's diminished greatly.

Now, if the amendment of Bill 31 had been in place that either co-chair could have referred this matter to the employer for a written response, that issue could have been dealt with long before the three years it took to deal with this and clean up the air for these workers. A lot of these workers went through an awful lot because they could not deal with the problem. Bill 31 addresses that. So we think that's a very good amendment. Thank you.

Mr. Chairperson: Thank you, Mr. Hilliard.

Ms. Howard: Well, thank you very much for giving that very tangible example of the difference that this can make. I have to tell you that there are many days in this Legislature where I ask myself, are we making any difference to anybody, and you've answered that question in the affirmative today. And I'm really thankful for that.

I wanted to ask you, I know that both you and your union have a lot of members who are newcomers to Manitoba, and this is–we know this is a population that's at greater risk for workplace injury. And I want to ask you if you have any advice for us on things–probably not in legislation–but things that we could be doing to diminish that risk. We've done things like help fund translation of information and documents, but I think beyond language there is a cultural gap often that, even when we try to help people understand that they have these rights, they may come from a place where rights are, you know, they may also have rights to safe workplace, but exercising those rights is a dangerous thing to do. And so, how do we get over some of those gaps in understanding and help newcomers to Manitoba understand that we have workplace health and safety rights in place and we expect them to exercise it and they won't be punished for exercising them?

Mr. Hilliard: It's–you've pointed out the problem, really, and it's more than language; it's culture. And it's not enough to tell people they have rights if they don't know how to exercise them. And, in many cases with our members, they don't know how to exercise them. And even when they're told what to do, they fear employer retaliation because where they come from that can be very dangerous for them to raise those kind of issues.

There is a–you mentioned that–I'm going to refer to a couple of things here in my response–but you mentioned there's not a lot you can do in legislation. Well, I think there's a few things you can do, and we did mention it in our written brief. We had made a recommendation at the advisory council that one of the amendments should be that each co-chair should get a written copy of every improvement order. And the reason we suggested that is because we have a workplace where the majority of the workers are new to Canada. And it was a problem with a lot of heat stress. There was a high humidity level and high heat, and the Workplace Safety and Health division did issue an improvement order, but the improvement orders for dealing with high–with heat stress don't reference an objective number that triggers action; it talks about symptoms and how you respond to them. Our members didn't understand that. The improvement order was posted on the bulletin board. They read it but they didn't understand it and they didn't know how to react to it.

They phoned us for help. We said, can you give us a copy of the improvement order? The employer

would not allow them to take a copy off the bulletin board. The law says it has to be on the bulletin board, but it–that's it. And they would not allow them to take a copy of that and fax it to us so that we could look at it and give them concrete advice. It took us several days to get into the workplace, take a look at it, have a meeting with the workers and explain what they had to do. If they had've had a hard copy, we could have got it that day, we could've addressed it much more quickly. That's one small issue.

Information is important and also how telling workers what they can do and how they can do it is important. There is–the occupational health centre does a training program now, funded, I think, through your department in part, that has a train-the-trainer program. And they take representatives from different ethnic communities and they put them through a 12-week course, and they train them on what the law says in workplace safety and health, what the law says on workers compensation, what they can do and what workers need to do, what–to protect themselves and to report injuries. And then they–these trainers then go back into workplaces and they talk to other members of their own ethnic communities and spread the knowledge around. I think that's a very useful thing to do, and I think it's a great program and probably should be more broadly used.

Mr. Gerrard: Two things: one is just a clarification as to whether that company was in Manitoba; and, second, we have had a higher time-loss-to-injury rate than most other provinces. And I wonder whether you would comment and why that is and what we need to do to.

Mr. Hilliard: Yes, just for the record, yes, that is–that company is in Manitoba.

In terms of workers compensation statistics, I have to tell you I'm a pretty big cynic when it comes to those. There–those are reported accidents. It's important to differentiate between reported accidents and accidents themselves. We've heard from earlier presenters about different incentive programs that encourage workers not to report. We've had that experience broadly in our union.

I'll illustrate an example. I'll name the company. It's Maple Leaf Foods in Brandon. And, by the way, in my naming them, I'm not singling them out for–I don't think they're a terribly bad employer; I don't think they're any worse than anybody else. But they have a number of incentive programs that are based on not–on how many reported accidents there are in the department. And, when you add them together, it could add up to a dollar an hour for workers. I talked to one of our members, a single mother, and I said, you know–and she was walking around; she wouldn't report her accident. And I said, you need to report this, it could get worse. And she says, I need the dollar an hour; I'm going to continue to work the way I'm working.

***** (19:20)

So there's an accident that didn't get reported. So I see–I can't even tell you how many. I get it a lot from our retail workers who say there's no point to it. My employer has a WCB advocate based in London, Ontario, a legal firm that fights all of our claims. I don't want to have to go through that. I'm not reporting it to Workers Comp.

So, if you're asking to compare Workers Comp stats, I'm a huge cynic. I just simply don't know what they mean. And if we're talking about comparing them across jurisdictions, I just don't know what they mean. I don't know what those other jurisdictions are doing. I don't know what kind of claim suppression's going on there. I do know that there is claim suppression. I sit on a national committee for UFCW where I have colleagues from all the other provinces and we make our reports, and I know claim suppression is broadly practised right across the country. But I don't know how to compare our stats with the other ones because there's so many unknown variables that I just don't know what it means. So–

Mr. Chairperson: Sorry, Mr. Hilliard. The time has exceeded. So I hope it's all right with you.

Now, we will have to now go to the next presenter which is Clint Wirth. Yes, go ahead, Mr. Wirth.

Mr. Clint Wirth (Public Service Alliance of Canada): Yes, thanks for having me today. It's a little bit out of my comfort zone doing this kind of thing, but–so bear with me.

On the Bill 31, The Workplace Safety and Health Amendment Act, I represent the Public Service Alliance of Canada, and we are very pleased with the work that has been completed in the review of the current Workplace Safety and Health Act. We look forward to the passing and, more importantly, the effective implementation of most of the enhancements taking place.

There remain certain areas of concern which we would like to see addressed further at this stage. The

majority of Public Service Alliance of Canada members, PSAC, working in Manitoba are covered under the Canada Labour Code, Part II, in regard to health and safety.

However, in addition to those covered under such federal legislation, we do represent many workers under provincial jurisdiction in regards to health and safety. This segment includes most workers at Deer Lodge Centre, all unionized workers at Avion, providing security at saint–at James Richardson international airport and a number of workers in the education sector. Myself, I work at Deer Lodge Centre in the central sterilization area.

So in addition to those that we represent we also recognize a responsibility to all Manitoba workers to support initiatives that are beneficial to our social well-being. We feel that in addition to the recommendations that we support this would be an appropriate time to carefully consider increasing the committee training time from the current two days per year to five days per year. There are many aspects of health and safety that require a great deal of understanding, and this requires a more reasonable allowance in a time–in order to meet these expectations. A well-educated and well-trained committee member leads to effective and productive workplace safety and health.

We also feel that it's time to move towards a mandatory expectation that training will be completed annually by all committee members. Currently, training for committee members is not mandatory, but can merely be as an acceptable option. It's there if you want it. The vague nature of the wording of the act was intended to give flexibility for committee members and their employers, not to have it sit idle unless specifically asked for. We do understand that there will be a need to recognize exceptions, but this can be addressed by requiring a written explanation for any of these exceptions. It is vital in these times that every effort be made to ensure that committee members are trained and refreshed in their responsibilities and able to effectively complete their mandate. This is a cost-efficient use of resources, particularly given the great social and economic cost of workplace illness and injury. In summary on this point, we believe that it is the employer's or prime contractor's responsibility to ensure that joint workplace safety and health committee members receive the necessary training to meet all of their responsibilities on the committee. This in no way–this must in no way detract from the independence of the employees in selecting their representatives.

We have a concern with the referenced to competency in 40(13) and 41(8) which would–could be interpreted as providing the employer with the authority and requirement to assess competency for committee members and employee representatives in smaller workplaces. This process underlying the deter–this determination of competency is not explained. The legislation lacks the definition of competency. The concept is very vague and open to abuse. There is no requirement that the employer explain or is required to justify their analysis or process. This puts employers in a difficult position. It is unnecessary and contradicts the intent of providing fair and balanced representation through the process. As stated in our previous point, it is essential that training be provided and made available to provide sufficient knowledge and expertise to complete all duties required under the legislation.

We also feel that the current practice of many employers providing incentives creates the impact of decreasing reported accident incidents which are seen as counterproductive. Known as claim suppression, they should be specifically against the law. The historic thought was formulated with a positive intention. In fact, the process through the manipulation of the process creates a benefit in not reporting accidents. It attempts to take advantage of employers who may not know their rights, fear discriminatory action if they speak up or not understand the future repercussions of not reporting accidents or near-miss situations. The impression of rewarding safe behaviour sounds, on the surface, like an admirable and positive goal. The practicality is that providing incentives for not reporting accidents results in fewer accidents being reported. That does not correlate with the fewer accidents taking place, only with a reduction in reported incidences.

When this becomes ingrained in the workplace culture, the result can be disastrous. There is a combination of confidence that everything is okay and a lack of understanding of the potential dangers. These serious injuries that often–the serious injuries that often result over time far exceed the costs involved in correcting the issues from the onset. We therefore feel that it is essential that changes be made to prevent employers from offering any form of incentive for reducing reported accidents. Reporting of all incidents, hazard and near misses creates a safer workplace and promotes a culture of hazard

recognition. In short, a culture of safety is supported by proactive reporting of accidents.

We also recommend that the four fundamental rights of workers be clearly and firmly entrenched in the act. Currently, the right to know, the right to participate, the right to refuse and the right to be free from discriminatory action are all covered under the act. We respectfully ask that these rights be prominent, clear and unambiguous in the act so it is clear to the layman that these are the fundamental rights of workers in regards to health and safety.

Thank you for your time and consideration for my presentation.

Mr. Chairperson: Thank you for your presentation.

Ms. Howard: Thank you very much for your presentation. You did great. I just wanted to go back to your comments about the clause in the bill that has to do with employers ensuring competency. We have heard that criticism. We do intend to bring an amendment through committee tonight to clarify that. The intent in the bill is that, as you have said, that employers are to provide for adequate training, time to get adequate training, so that people can be competent members of the worker–of the safety and health committee. The intent was never that the employer is the sole judge of who's competent or not because we recognize, as you do, that that could be open to abuse and violates the idea that those representatives are representatives of the employees. So I just want you to know, because you may want to stick around 'til whenever we get to the bill and amendments, but in case you want to go home, I want you to know that we do plan to bring an amendment to clarify that.

Mr. Chairperson: Thank you, Mr. Wirth.

Now, the next presenter is Marianne Hladun. Marianne Hladun is not here. Okay, we will go to the next presenter then. This name is dropped to the bottom of the list.

And we will call the next presenter, which is Michelle Balina. Thank you, Ms. Balina. Go ahead, please.

***** (19:30)

Ms. Michelle Balina (Manitoba Hydro, CUPE Local 998): Hi, I'm new. First time I ever spoke in front of you guys so I'm really, really nervous, but I want to do my best. I'm here basically to support the bill and just a few statements I wanted to make.

My name first is Michelle Balina. I'm here on behalf of our local CUPE 998–local CUPE union members. I also currently am the vice-president for local 998 representing Manitoba Hydro. Currently, I sit on the Manitoba Federation of Labour, health, safety and environment committee, also CUPE Manitoba health, safety committee as a member and also recording secretary.

Workplace safety and health affects all of our workers. We all want to go to work every day and return home safe at the end of each day.

These Bill 31 amendments will help us to reinforce the message that workplace safety must also come first for all Manitobans. The amendments that affect us are: Strengthening provisions for a worker exercising their right to refuse unsafe work. Our workers are put in some unsafe situations, and I believe that we should all know our rights, especially our right to refuse work if it puts us at risk to get hurt. It's our job to make sure our workers know their rights and how to exercise them properly without any fear of repercussion from their employers.

Requiring a worker safety and health representative in every workplace with five or more workers rather than 10 and also that goes into seasonal as well. I'm just combining the two. Dangerous work or workplace hazards are the same whether they are a small or large workplace. They should include all seasonal workers as well, especially with a lot of young workers entering the workforce in the summer months. I hate hearing the media reports, he was only 17 his first day on the job. If they know and understand safe work procedures at their workplace, it's going to make it a safer environment for everyone. How can we put a price tag on our members' lives? It's our civic responsibility to keep our workers safe. As a society, we all want to go to work and be safe.

Clarifying provisions for paid training and other activities for social–for safety and health representatives and committee members. Workplace health and safety awareness is key to everyone in the workforce. We shouldn't let the budget dictate some practices in training. All of our workers should know all safe work procedures and when their rights–and their rights when the procedures are not followed. We can't put a price tag on education and we can learn the less accidents there will be. Workers should not lose pay to access safety training.

Expanding the list of activities or contraventions for other administration penalties may be imposed for strengthening the enforcement of these–of those penalties. I feel strongly on this one. We need stronger consequences and penalties for those violators. When good–what good is legislation without any proper enforcement or penalties? Without the enforcement, the same workplace accidents will be happening over and over again.

Together we can make Manitoba a safe place to work, and we can educate all our workers today, tomorrow and years to come. I support the amendments to Bill 31. Thank you.

Ms. Howard: Yes, thanks very much, Michelle, and thanks for coming and presenting. I know you said it was your first time, and I know this can be an intimidating place to speak. It's intimidating still to those of us who speak in these rooms on a far more frequent basis. So thanks very much for being courageous to do that. It should be intimidating to some of us. It is intimidating to some others of us.

I want to thank you for your comments. You said you were at Hydro, right? That's–yes. So I just also wanted to tell you how much we enjoyed Hydro hosted a lot of the activities for the kickoff of Safety and Health Week, and there were some great speakers there and just really great examples of the fabulous work that you and your colleagues are doing to encourage safety there. So I wanted to tell you how much we appreciated that, and I hope you take that message back to your members.

Floor Comment: For sure, thank you.

Mr. Chairperson: Thank you, Ms. Balina.

No, Ms. Balina, there is another question here from another member.

Mrs. Rowat: Thank you for the opportunity. I just wanted to thank you for your presentation.

My husband works for Manitoba Hydro and has actually sat on some of the workplace safety committees, and he does share that with his household. So, you know, not only does he share that with his co-workers but makes sure that the family is safe when they're cutting the grass or doing any outdoor activity so–

Floor Comment: And also I am the chair of workerplace–

Mr. Chairperson: Ms. Balina, please address through the Chair. Thank you.

Ms. Balina: Sorry, okay. I also am the chair of our workplace health and safety with our local union. I also–I sit on the committee at Manitoba Hydro and the corporate committee as well. So I'm involved a lot with workplace health and safety.

Mr. Gerrard: The target of the five-year plan is to make Manitoba the safest place in North America. Maybe you can help us figure out how you measure that. We've been talking a little bit about the time-loss-for-injury measurements. It may not be perfect, but at least it is one that's reported across many jurisdictions. But what would you suggest?

Ms. Balina: What I would say, is, like I'm not here to represent Manitoba Hydro, but our CUPE members in a whole, so we hit on different aspects, Manitoba Hydro, CUPE 500, city workers, health care. So those numbers I don't have, but one thing I wanted to say is, I think to get more people aware, more young people especially, is have interaction events, you know, where people can interact and figure this stuff out instead of given a book, like here's the rules and regulations, read it. People don't want to do that. If there's something that can implement some more interaction, I think that our members would come out more and, you know.

Mr. Chairperson: Thank you very much. Now we will have the next presenter, Marty Dolin.

Madam Vice-Chairperson in the Chair

Mr. Marty Dolin (Private Citizen): Thank you for allowing me to present, you know, like one of the things–

Madam Vice-Chairperson: Mr. Dolin. Mr. Dolin, we just need to wait for you to be acknowledged so that they can turn the mics on so that we can record every word that you speak. So, Mr. Dolin.

Mr. Dolin: I want to say first that I appreciate what the act is attempting to do, and I agree with my friends in labour, in particularly, with the Winnipeg Labour Council that talks about the enforcement issue. One of the concerns I have is that there's a spanner in the works, and it would be apparent if the intent of the act is to protect workers from injury and death and provide penalties for employers who allow unsafe working conditions which would endanger workers. The goals of this act are commendable but are undercut by section 13(1) of The Workers Compensation Act, which exempts all employers, whether or not they comply with The Workplace Safety and Health Act and rights of action by the injured worker and his or her heirs, quote: The right

to compensation provided by this part is in lieu of all rights and rights of action, statutory or otherwise, to which a worker or his legal personal representative, or his dependants, are or may be entitled against the employer or director of the corporation that is the employer, for or by reason of personal injury to, or the death of, the worker occasioned by any incident which happens to him arising out of, and in the course of, his employment; and no action in any court of law against the employer or director of the corporation that is the employer in respect thereafter lies, unquote.

This section protects both the employers who respect The Workplace Safety and Health Act and the employer scofflaws who do not. The penalty is for the violators of The Workplace Safety and Health Act who are often seen as, quote, a cost of doing business, and weighed against the costs of compliance. There have been many injuries and deaths over the years in workplaces in violation of The Workplace Safety and Health Act, and the penalties have provided minimal benefit to the injured worker or his heirs and do not inhibit repeat offences.

It appears that both the honourable employers who make the effort and incur the expense to provide safe workplaces and the workers injured and killed in unsafe workplaces are being treated unfairly by this section of The Workers Compensation Act. A simple amendment to exempt employers from the protection of this section, if a worker is injured or killed while the employer is in violation of the terms of The Workplace Safety and Health Act, would be fairer to workers and to employers who honour the legislation and better served to ensure safe workplaces. If workers were given the right of legal action where their injuries or death were caused by illegal acts of the employer, they or their heirs would be able to gain the real losses incurred by their injuries or death. Such an amendment to exempt scofflaws from the protection on the 13(1) of The Workers Compensation Act will probably go further to cleaning up dangerous workplaces than all the penalties under the Bill 31, and the workplace safety and health and amendment act.

***** (19:40)

All right, let me give you one of the reasons I'm here as an individual representing nobody but myself. As a former MLA, an executive director of a community health centre, and executive director of a refugee centre, back when I was principal secretary to the NDP leader in Nova Scotia, a young man came to us who had half his face blown off and his right arm gone–he was 20 years old. At that time he had been told on the construction site to drill a charge–there were five charges, four of them exploded, one did not–he was told to drill the charge because it was a dud. Obviously, when he drilled it, it blew up and blew the right part of his body off.

We then said that he should–he came to us, we contacted Dalhousie law school, we got the dean of the law school and we took–said he should not apply for workers comp. Now, basically, it is exactly the same section; this 13.1 is universal across the provinces, to my understanding. We went to the Supreme Court–I forget whether Supreme Court of Nova Scotia or Supreme Court of Canada; the decision of the court was that he was eligible for workers compensation, therefore could not take legal action–so, basically, under the act.

When I arrived in Manitoba about six years later, there was a construction site on Portage Avenue where there was an employer who had about 35 penalties against him. A 19-year-old young man fell off a guardrail which was improperly installed and died. And I don't know if people remember that. It would have been about '82, '83. But the reality was the penalties were only the fines under the workplace health and safety act.

What I'm suggesting is–I'm not saying employers shouldn't be exempt, I'm saying employers should be exempt if they obey The Workplace Safety and Health Act. If they do not and if they are found to be in violation when a worker is injured or killed, then an employee–the worker should have a right to take action over and above the action taken by government.

That is my suggestion. It does not deal with the specific bill, but for future reference I think it would–it would make the enforcement provisions of The Workplace Safety and Health Act much more enforceable and would keep the employers–the honest ones would continue to be honest and the dishonest ones would now have the stick and not just a carrot.

So thank you for that, and if there are any questions.

Madam Vice-Chairperson: Do members of the committee have any questions?

Mr. Chairperson in the Chair

Ms. Howard: Thanks, Marty, and you always come with an angle I haven't thought of before, and you've done that again tonight, really.

And I–but I think what you're speaking to is a larger problem that we've been seeking address, and that is we've got mechanisms to deal with employers who don't obey the law and maybe don't obey the law because they don't know any better or they think it's too expensive and we have remedies. We haven't found a great mechanism yet to deal with employers who are negligent. It's not just a–we didn't know, we haven't had time, we'll get to it, but who know what they're doing is going cause an injury or accident or could and don't take any action. And we're trying to put some of that in here.

There is a federal statute, criminal statute, as a result of the Westray disaster, that hasn't been effectively used anywhere really in Canada, either. So I think what you're talking about is, is this another tool? And it's something that we'll give some consideration to.

But while I've got you here–and you can answer the first part, but I also wondered given your long, long experience working with refugees and newcomers if you had any additional advice for us on things that we can be doing to ensure that that population is protected in the workplace, because we find that they are some of the most vulnerable workers in our province.

Mr. Dolin: You know, Rob Hilliard came and talked about that and–you know, and about the–getting the information across.

I think part of that goes into–you know, you talk about employers who are creating dangerous workplaces out of ignorance. What I'm suggesting is that once they get an order saying that they have to fix something up and they have 30 days to comply, at the end of the 30 days, if they haven't complied, they can't plead ignorance anymore. And at the end of that 30-day period is when they are now in violation of the act. If an accident or death happens, at that point they become–the worker would then have legal recourse to them.

So saying employers don't understand, is once they've been given an order they damn well better read the order, you know, and understand what they're in violation of and what they have to do and how much time they have to do it. And if they have not complied by the end of the period, then the worker should have a right to–not only to get compensation, but to take civil action against the employer, you know. And it strikes me that this would clean up workplaces very quickly.

Mr. Chairperson: Thank you.

Mr. Gerrard: Thank you, Marty, for your suggestion, and I think that you're pretty clear in suggesting that this occur where there is a specific violation, where there has been an improvement order, and so that carrying this out would be pretty specific in terms of the conditions under which the exemption would no longer be there. Is that right?

Mr. Dolin: If somebody is given an order and they've got 30 days to comply, and within that 30-day period that–and an accident happens or a worker is injured or killed, I would not–that would–they would not be exempt in 13.1 It is the person who has not complied after the period they were given, who was still in violation, and, yes, they should be exempt from 13.1 and the worker should have a right to take legal action, or the union can on his behalf, or his heirs. And that's what I'm suggesting should be the amendment that should be considered.

And I would think, you know, like, I'm sure the other provinces have very similar, you know, clauses in the worker's comp act, and I think Manitoba could set a very distinct precedent in telling employers if you don't obey The Workplace Safety and Health Act you will be doubly penalized not only by the government, but by the worker and the worker's heirs.

Mr. Chairperson: Thank you.

Bill 37–The Emergency Measures Amendment Act

Mr. Chairperson: I'd like to call presenter, Kenton Friesen. Yes, Mr. Friesen, go ahead.

Mr. Kenton Friesen (International Association of Emergency Managers–Canadian Council): Thank you for having me this evening.

Again, my name is Kenton Friesen. I'm here today on behalf of the International Association of Emergency Managers, specifically, the Canadian Council. The International Association of Emergency Managers, or IAEM, is an international network of over 5,000 emergency management professionals. In Canada this network represents–is represented by the IAEM Canada Council, which networks Canadian and managers–emergency managers, from coast to coast to coast.

IAEM Canada felt it important to 'repre'–to have representation here today to show our support for this–for the improvement process of this important legislation. At this time, the IAEM Canada Council does not have specific recommendations for the current amendments included in Bill 37. However, IAEM Canada recommends that the government of Manitoba conduct a comprehensive review of The Emergency Measures Act to align it with the legislative reviews that have taken place in other provinces such as BC and Alberta. Such a review would modernize and align Manitoba's emergency management efforts with those of other Canadian provinces, industry best standards such as the Canadian–or the CSA, Z1600 standard emergency management as well as the Principles of Emergency Management that have been established by IAEM which I've handed out to you, which is being distributed to you now.

If and when such a review were to occur, IAEM Canada would welcome the opportunity to provide feedback by utilizing our network of emergency management professionals from across Canada and from around the world. Thank you.

***** (19:50)

Hon. Steve Ashton (Minister responsible for Emergency Measures): Well, thank you very much for your presentation, and I certainly appreciate the offer.

I do want to indicate, we did do a comprehensive review a number of years ago and, of course, over the last number of years we've had a fair amount of experiences, you know, with natural disasters which have led to much of what's in Bill 37. I certainly appreciate your general support for that.

What I did want to ask, actually, though, is–in a sort of a–in a broader context, you know, which does relate to this bill, is what your sense is, really, of the evolution of dealing with emergencies, emergency management, the various emergency measures organizations, certainly from your perspective, and if we were to proceed to a further review–as I said, we did have a comprehensive review a number of years ago–what your suggestions would be in terms of parameters and the kind of areas that we should be looking at.

Mr. Friesen: Definitely. I'd actually draw you to the principles of emergency management itself, which it's built on eight main components, and that is that have been comprehensive, considering all hazards, all risks, all phases, which is mitigation, preparedness, response and recovery.

A lot of the traditional emergency management in North America has focused on the response, not the mitigation, which then can reduce the amount of preparedness needed, which then reduces the amount of response needed. You can't get to a perfect world where it's zero, but you can try–as well as being progressive, trying to think about what's going to change because one month or one year you have pandemic, the next month you might have floods and next you'll have fires, and you have to be progressive.

Needs to be risk driven, risk driven meaning that you're not going to deal with earthquakes in Manitoba if you are in BC. What are you going to deal with in Manitoba? Well, flooding always happens. It has to be relevant to the situation at hand. And the flooding that occurs in the–into the Red River Valley is different than that that happens in the Agassiz valley, so it depends.

Integrated where it's a team effort. Integrated and collaborative and co-ordinated are all trying to achieve that same thing, that we all need to be on the same page, whether it's health care, the private sector, the public sector and all of its stakeholders.

In terms of looking at in Canada, it was after the 2003 forest fires in the Kelowna valley that Premier Gary Doer, or former Premier Gary Doer, did the review on that fire, and then what followed out of that is what's called the BC emergency response system or BCERMS, and that was a major step forward in Canadian efforts to–

An Honourable Member: Filmon.

Mr. Friesen: Filmon. What did I say?

An Honourable Member: Doer.

Mr. Friesen: I apologize. You can kill me later, okay.

Mr. Ralph Eichler (Lakeside): In regards to the Bill 37, what suggestion would you have for our organization in Canada as opposed to other jurisdictions? What do you see as shortfall then?

Mr. Friesen: At this time, I don't want to enter anything because our team hasn't reviewed it in great detail. We'd rather see a comprehensive end-to-end review of the entire legislation.

Hon. Jon Gerrard (River Heights): I think your suggestion is an excellent one. There are clearly

areas where we need to learn a substantial amount here, even though some things we do quite well. We still have, from the flood of 2011, almost 2,000 people who are still not able to come back to their communities, and I think that, you know, accelerated return to normal would certainly be one area where we could learn from experiences elsewhere.

Mr. Friesen: I don't think there was a question there, right? So there's no response.

Mr. Chairperson: Mr. Friesen, do you want to respond?

Mr. Friesen: No, I was–I'm just saying that I don't–Dr. Gerrard, I don't think there is a question there, right, just a statement?

Mr. Gerrard: No, I just put it–I just wanted to give you a comment.

Mr. Friesen: Okay. Yes, I'm sorry–learning from other areas, whether it is on the other side of the planet or whether it's right in our own back door, doing after-action reports and learning from what happened with Hurricane Sandy, Katrina, all of those things, all those efforts, need to file into what we're looking at, and I know that my colleagues in EMO and in Manitoba look to those things all the time.

Mr. Chairperson: Thank you.

Mr. Friesen: Thank you very much.

Bill 40–The Residential Tenancies Amendment Act

Mr. Chairperson: Next presenter is Rita Kurtz. She's not here. Looks like Ms. Rita Kurtz's not here, so her name will be dropped in the bottom of the list.

I'd like to call, now, Marianne Cerilli. Do you have anything to distribute, Ms. Cerilli?

Ms. Marianne Cerilli (Social Planning Council of Winnipeg): I'm sorry, I do not have a written presentation. I'm just going to speak and it'll be on the record.

Mr. Chairperson: Go ahead.

Ms. Cerilli: Thanks to all of you for being here after a long, hard session–*[interjection]* No choice, hey, Stan?

I want to give the government recognition, to start with, for another amendment to The Residential Tenancies Act in Bill 40 and to say that many of us in the community had a chance to meet with representatives of the department and raise some concerns and make some suggestions. We don't know at this point if any of those suggestions have been put forward as changes to the bill, so I'll be interested in knowing that. And I'd also like to say at the beginning that I'm listed as speaking on behalf of the Winnipeg Rental Network, but I'm actually–work at the Social Planning Council. I'm representing the Winnipeg Social Planning Council this evening. I do chair the steering committee for the Winnipeg Rental Network, but my colleague, Gordon McIntyre, will be speaking on behalf of the Winnipeg Rental Network.

And I also want to say that, at the beginning, that the Bill 40 does include, I think, some balance in the sense that there are provisions in the bill that recognize the challenges facing tenants and there are some provisions in the bill that recognize the challenges facing landlords. And I'm not here representing the interests of landlords. I'm–spend my days concerned about those in our community that don't have enough to eat and can't afford housing and are challenged by inequality and social exclusion and poverty. So I'm going to be speaking mostly from that perspective, and I do want to say, too, that, you know, regulating the relationship between landlords and tenants is a challenging thing and it's kind of like trying to regulate a marriage, I would say, that it's tricky. The–so the detail that these amendments get into are trying to negotiate that relationship between landlords and tenants, and there's a lot of detail and there's a lot of opportunity, I think, for trying to close loopholes and gaps that either side can try and find. So I recognize the challenge of this legislation.

That said, I think I'm going to deal with the legislative changes first, and then I will have some other comments about the–some of the regulatory changes. So the first one is the section that is going to make more transparent and to put some kind of provisions around the way that the rent regulation is set. And we've been told that the consumer price index is going to be used and we recommended that it be–the things that really affect the landlord that are going to be taken into consideration and–sorry–that we want the consumer price index to include everything to take out the peaks and valleys of setting the rent regulation, and we appreciate that there's going to be more predictability.

One of the things that we want to make sure happens is that there is some consideration of income and ability to pay, which I think is maybe difficult to do if you're only using the consumer price index.

So that's one of the suggestions that we've had when you're setting the rent regulation. And there's been a lot of attention over the last while about the rent gap in terms of the increase in rent compared to things like social assistance or fixed income for seniors who are on pension. So those are the kind of other considerations that we want to see come into play, and we're not clear how that's going to happen with the current provision.

***** (20:00)

The other thing is I was in conversation with staff from the department about the difference of having this provision in the act, and I had said initially that I would prefer to see the requirement for rent regulation and the formula or the direction for the formula to be in the act and not only in the regulation to ensure that there's protection that the rent regulation actually has to be set each year. So I've been concerned that the way that it's worded would allow for one year that the rent regulation simply to not be enacted, and that would be permitted under the–the way that these changes are being put forward.

The other area I wanted to comment on is–it's either section 161 or 145–and that's where tenants are losing the right to appeal their eviction for non-payment of rent. So, as you can imagine, any time that someone is losing their right to appeal, the community is going to be concerned, and people who are on a low income and often don't have a mailbox–they're in a rooming house, they may not get notices–there can be all sorts of reasons why someone would not show up to a hearing. So to lose the right to appeal in those situations is of great concern, and I think that's one of the most disconcerting things about the bill, is we can understand that landlords are often faced with having a tenant go to the longest possible time when they're being evicted and then they may have to go without having the rent covered, and we understand that's the issue that this is trying to address. But to end up having a tenant who no longer has a right to appeal because they failed to show up for a hearing, I don't know if that's a balanced approach to take to ensure that landlords are protected from losing their one month's rent.

Also, that provision is moving the eviction process from seven to five days, and people, again, are going to have a shorter time to get themselves organized in order to deal with the eviction.

The next section I wanted to comment on is section 29, and that's the provision to allow a pet damage deposit, and while it may sound like it's a great thing to encourage landlords to create more pet-friendly units because there's going to be a new pet damage deposit, which is up to one month's rent, the concern is, for very low income people, those on social assistance or on a pension, they will have a very hard time coming up with which is essentially two and a half months' rent if they're coming into a new unit, because they'll have to cover not only the pet deposit, they'll have to cover their own half month's rent for their own damage deposit, and then they'll have to come up with their first month's rent, so it's really two and a half months' rent. So, for someone on social assistance, forget it. They're never going to be able to do that. So, really, in effect, a lot of folks who aren't coming from another unit where they're getting their former damage deposit are not going to really be able to have a pet under this new scenario.

So, again, it's something to recognize that pets are valuable in people's lives, but, on the other hand, for people that are on a really low income, it's not really going to help them out. And in a few of these provisions I'm going to comment on, there really is kind of a double standard for folks that are at a low income, or doesn't really recognize the situation that they're in.

The next session–section is another section that we have a lot of concern about in the community, and we'd really like to see, not only some way that this provision is going to be monitored and evaluated, similar to what we asked for when the EIA legislation, the employment income assistance legislation, was changed to allow people to be cut off if they have outstanding warrants. It's the same kind of issue that's allowing people who are believed or suspected of being involved in criminal activity to be evicted by the landlord without any police involvement at all.

So we're concerned that this is another way that the government is using social policy and public policy to do criminal justice work, and we're very concerned that this could be abused. There's a lot of racism out there that a lot of tenants face, and if that can often lead to stereotyping and they're being suspected of doing all sorts of things, there is going to have to be evidence gathered and presented to the Residential Tenancies Branch. However, all of that is going to put a lot of onus on the individual that's being evicted because they're being suspected of dealing drugs or whatever else that they are being suspected of doing.

And the way that it's been described to us, is it's even just making people in the–other tenants in the building feel uncomfortable. So there's a lot of concern about that section 74 and the provision to allow landlords again to have an easier time to evict tenants who they believe are causing a disturbance in their property.

We don't want to see the kind of two-tiered system for lower income people, and we expressed this when the changes were made to the employment income assistance act where folks that are on social assistance and have an outstanding warrant, if they don't deal with that warrant they can be cut off. And other people will not lose their job if they are not dealing with an outstanding warrant. So it's really setting up a two-tiered system of justice and I'm concerned that this is kind of the same–going down the same road.

Mr. Chairperson: Sorry, your time has expired, so we will now go to questions.

Hon. Jim Rondeau (Minister of Healthy Living, Seniors and Consumer Affairs): I'll give you an open-ended question, okay, Marianne?

I'd like to thank you very much for your advocacy and I'd like to tell you that we have considered a lot of the things what you have said and they will be taken under consideration on the drafting of the regulations in certain instances.

And I'd like to say thank you very much for your advocacy on behalf of low-income people. I think you've really pushed it and they–you've really presented a lot of what their issues are, and if there's any other issues that we should consider, if could let us know, that'd be great.

Mr. Chairperson: Thank you.

Mrs. Leanne Rowat (Riding Mountain): Excellent presentation, Marianne. Just a couple of– *[interjection]* Oh.

Mr. Chairperson: Sorry, did you want to respond?

Ms. Cerilli: If there's anything else–well, actually that was the end of the comments I was going to make on the legislative changes. I think the regulatory changes are more positive in terms of tenants, because they're the ones that are actually trying to control the increase in rents from–of above guideline because of renovations.

So I think those provisions are positive, and, you know, we wanted to encourage limiting the number of years that the rent regulation is exempt, considering that, you know, there has to be some kind of formula or cap, because right now it definitely is not a tenant's market. So we're just concerned that on those units the rents are going to be–you know, go up a lot.

And, on the other hand, though, the way that the provisions are going to work will mean that some of those rents at a higher end of the market will come under the rent regulation, which is a good thing, so.

Mrs. Rowat: Thank you for your presentation. Several points were raised that required clarity by the minister or by the department. Also some concerns with regard to loss of options like appeals and that type of thing. Were you consulted and was the Winnipeg Rental Network, do you know–or–and as well as the Winnipeg Social Planning Council–were you consulted on the legislation and asked to provide input as they were developing it?

Ms. Cerilli: We were brought into meetings when the bill was drafted. I would say that we weren't consulted early enough, and I think–like I said at the beginning, I think that there needs to be a bit more dialogue to see how the recommendations and the concerns that we raised are actually going to be taken and implemented. But yes, we had meetings with government.

Mrs. Rowat: So, with all of the concerns that you raised–obviously, you have some serious concerns with regard to the legislation and the clarity of the act–so would you recommend, you know, pulling the bill until, you know, you have a chance to share those recommendations, or–

Mr. Chairperson: Ms. Cerilli.

Ms. Cerilli: I think those sections of the bill that I've raised that are the most concerning, which is the loss of the right to appeal for nonpayment of rent and the ability for a landlord to evict when there's suspected criminal activity, that those provisions are–warrant further consideration.

***** (20:10)

Hon. Jon Gerrard (River Heights): Yes. Two quick points. The concern that you raise that the landlord will be essentially running a–you'll have a surrogate court in terms of determining that somebody is guilty of an illegal offence, and exactly how that would work.

And the second question is: There's been a long-standing concern about people who'd like to

have pets in their apartments. Do you think that this bill will make any difference–make it easier for people to have pets or harder?

Ms. Cerilli: I'll answer the pet question first. I do think it will make it easier for people to have pets who have the means to pay two and a half months' rent, if–when they're first moving into a place.

There's provisions in the bill that prevent a landlord from charging the pet damage deposit retroactively, which is positive. So, if somebody is already living there and they've had a pet, they can't now be charged a pet damage deposit. It's only for new tenants moving in, and there's also a phase-in in the bill. So that's positive.

In terms of the ability for landlords to evict without any criminal charges, or anything, they still have to prevent–present evidence to the Residential Tenancies Branch and there can still be a hearing. My concern is the individuals that are involved–it's just going to be very difficult for them. And the evidence that is going to be collected is going to be like testimony from other tenants, and things like that, which is heard by the Residential Tenancies Branch on other matters all the time. Our concern is that this is kind of going outside the police. If there are criminal things going on, why can't we–why aren't the police being involved?

So the other concern that I have, and I didn't mention this earlier, is a lot of these provisions are going to put more onerous responsibilities on the branch. And I had those enumerated. I won't try and list them all right now. But the concern is, is that the pressure on the branch could lead to delays in hearings and in processing complaints. So I think there has to be resources that go with this bill to ensure that that doesn't happen because of these new provisions. And, you know, we don't want to see further delays in the process.

Mr. Chairperson: Thank you. The time has expired.

Now I'd like to call the next presenter. Ms. Lynne Summerville.

You have anything to present, Ms. Summerville?

Ms. Lynne Summerville (Private Citizen): No, I'm sorry, I don't.

Mr. Chairperson: Kindly go ahead.

Ms. Summerville: Thank you very much for being here tonight.

Most of what I'm going to say reiterates everything that Marianne Cerilli has already said.

Regarding section 29, the pet damage deposit requiring the equivalent of one month's rent will prove a hardship to low-income people. The hardship will be acute for persons who require their pet for companionship or mental-health issues. Many elderly people live in isolation and rely on their pets. Many people on welfare struggle with mental-health problems. This will affect them.

It has been proven that animals help with high anxiety, and they need their pets for comfort, solace and companionship–a coping mechanism.

Already people on welfare sacrifice their own health to buy food and kitty litter for their cats. They borrow money from Money Mart to buy cat food, kitty litter. Now they've got to also add the cat licence from the City of Winnipeg. And the damage deposit is just unbearable.

I'm hoping that you can amend this legislation to provide choices for low-income people. Perhaps, like a certificate from the Winnipeg Humane Society or their veterinarian to say that the animal has been spayed or neutered. The Winnipeg Humane Society has that SNAP, S-N-A-P program, for low-income families, $36.20 to spay your animal. And I'm hoping that you will consider that.

Regarding section 62, "renovations are carried out in an unreasonable manner (i) that interferes with the enjoyment of the rental unit or residential complex for all usual purposes." What does "all usual purposes" mean?

Based on my experience at 615 Sherbrook Street, and an apartment block on the north side of Portage on Toronto Street, the outside of the building was sprayed–spray painted. This was noxious fumes, particularly for elderly people and people with compromised immune systems. Any apartments that were empty, that no one was living in, they went in with sledgehammers and ripped down the lath and plaster, creating dust. This also was not good for elderly people and people with compromised immune systems.

At 615 Sherbrook, water pipes broke on the third floor, leaked onto the second floor, first floor and basement. Nothing was done because renovations were under way. The ceiling eventually caved in and broke down, allowing more water in. It was unbearable.

The issue of mailboxes not being maintained so that people aren't even getting their mail. The carpeting in the mail–main hallways and stairways were ripped up. It wasn't even swept or vacuumed. It was unbelievable.

So I'm asking you to really think about that legislation.

Number S74, 96 and 154 regarding unlawful activities by tenants: Supposedly, we live in a democracy with laws, so we all know where we stand. This legislation for a landlord to say you are evicted because of unlawful activity gives permission to the landlord to decide what is unlawful activity without evidence, without proof, without being proven guilty in a court, and we already have The Safer Communities and Neighbourhoods Act, which was introduced in 2002. Investigators act on complaints from the public. All complaints are confidential; the person's name will not be released. They put surveillance cameras on other people's houses or in cars on the street. Investigators are dressed in regular street clothes. This ensures that tenants do not get abused by the landlords. So far the Public Safety Investigation Unit has closed down 520 homes where people were using them for criminal activities. So why are you reinventing the wheel? Just keep using The Safer Communities and Neighbourhoods Act. There is no guidance for how a landlord will collect evidence. It'll just be, he said, she said, and tenants will be abused by the landlord.

The–also that people will be evicted within five days. This shortened period of time will make it difficult to consult or obtain legal device relating to the risks flowing from making statements in the regulatory process. Given the seriousness of the allegations of unlawful activities, what standard of proof will be required? Shouldn't you set out a higher standard than the balance of probability?

The other one, which was section 145, 147, 149, 160, 161 and 170: There are many reasons why a person may not attend an RTB hearing. Their mailbox may have been broken and they may not have been served notice of the hearing, or they may have paid their rent up to date after receiving the notice and believed they were no longer required to attend. There are circumstances where the rent is not paid through no fault of the tenant. For example, there are times when social assistance is involved and not made aware of a rent increase, or the cheque forwarded to the landlord by social assistance is lost in the mail, or the landlord refused to accept the rent. Five days is not sufficient to prepare a detailed application for leave in cases where the tenant is required to obtain documentation, such as confirmation that–from social assistance that the rent was paid. It may take more than five days to have an advisor appointed by Legal Aid.

Recognizing that nonpayment of rent may be the fault of social assistance rather than a tenant, and recognizing the difficulty in getting information from government departments, do you believe a five-day time frame to prepare an application for leave to appeal is appropriate?

***** (20:20)

Section 161: The period for appealing an order of possession is reduced from seven to five days for particular orders. For an order of possession, the payment of money under parts 1 to 8 and the contravention of the obligation to return a deposit and interest, a loss of two days will leave more people at risk of losing their right to appeal. There are challenges for low-income people in filing an appeal even in seven days. Low-income people already have a difficult time coming up with the money to file an appeal. Two less days makes it that much harder to dig up the money. Also, tenants are already challenged to find advocacy services on a timely basis. They will be further challenged with the reduction of two days.

And the last one, which was 194(1)(e), the original legislation considers increases in utility costs, property taxes and other costs that in the opinion of the Lieutenant Governor-in-Council are relevant to the operation of residential complexes. This is going to be removed and I can't understand why. Therefore, I would ask you to leave the legislation as it is originally.

Mr. Rondeau: I'd like to say thank you very much. You did a good job on the presentation. I just have two questions from some of the stuff that arose from your presentation.

You talked a little bit about your building being–going through renovations and painting and knocking down walls and all this. We now–we have an office inside the Residential Tenancies Branch that actually goes out and does investigations to make sure people do things properly. And we also now have an advocacy office where there's actually advocates within the Residential Tenancies Branch that work on behalf of tenants within the branch itself.

Now, we have been challenged–evidently, you haven't made use of those services. Do you have any recommendations on how we can get the information about either the advocacy office or the people who are embedded in the branch who go out and do inspections to make sure people are doing things properly, how do we get that information out? Because I know this traditional way we do it is we create a brochure or we put it on the Internet, which is not successful. So, if you could provide me advice, because those are resources that I'd love to see utilized more and more in the community, but I really don't know how to communicate those services out there, so if you could provide me guidance, I would love to hear your advice.

Ms. Summerville: It is a problem. There–don't ask me why people leave it 'til the last minute to come and ask for help, like, even from an independent officer at RTB. The whole concept of having to go down to RTB is intimidating for people. You know, that they even believe that there's an independent officer at RTB who might speak on their behalf is very difficult for people to believe. So it will have to be a process of people using that and then, like, word of mouth that it actually does work, and I'm not sure that it will.

Mr. Rondeau: If after this you can think of how we get the word out–because we have been challenged–and if you, after sober second thought, can sit there and think of ways to talk to the community and get people to utilize these services more and more when they do have issues, I would gladly buy you a coffee and hear your opinion.

Ms. Summerville: I take you up on your offer, and, like I said, it's very, very difficult. People are just intimidated by the whole process of going down to RTB. They obviously don't know about the independent officer at RTB, and we'll have to work on that.

Mr. Cliff Cullen (Spruce Woods): Ms. Summerville, I just wanted to thank you for taking your time tonight to come down and speak to committee and share your history there and some of the things that have occurred to you, and I appreciate your advice to committee tonight. Thank you very much.

Mr. Gerrard: One of the things that you brought up, that–I don't understand why this happens, but I ran into somebody who was not long ago evicted because their social assistance cheque arrived late and they couldn't get the money on time and so they were evicted. But, I mean, you mentioned this, as well, the–are there major problems in the delivery of the social assistance money on time, or what happens?

Ms. Summerville: Well, one thing I can think of is that if you're working even part-time or doing volunteer work, you have to get that paperwork down to your welfare worker. And depending on how quick you are in getting down your pay stubs or even your volunteer stubs, then that affects how your rent cheque–your–yes, your rent cheque is cut–how quickly your rent cheque is cut. There's just so many variables that happen in you not getting your rent cheque out on time. For example, if you're moving they insist that you have your application form in at–by at least the 15th–you know, the green form saying that you're moving to a new place. If you're late getting that in, it's just awful.

Mr. Chairperson: Thank you.

Now we would request the next presenter, Gordon McIntyre. Yes, go ahead, Mr. McIntyre.

Mr. Gordon McIntyre (Winnipeg Rental Network): I'm speaking tonight on behalf of the Winnipeg Rental Network. The Winnipeg Rental Network is an online resource hub and a free listing service for affordable rental accommodation in the city of Winnipeg. The network itself is a broad coalition of social service agencies and housing providers who seek to collaborate on solutions to the lack of affordable rental housing in Winnipeg. The WRN itself is not a housing provider. The Rental Network has had its own community consultations on the amendments found within Bill 40. My presentation here will be very brief and will only touch on a few of the concerns that were–have been raised within the network.

There are a number of amendments in this bill that we feel are both important additions and necessary safeguards for both tenants and landlords. For example, the changes to the pet damage deposits will hopefully encourage more landlords to let pet-friendly units. It appears that the number of pet-friendly units have been on the decline within the city, and hopefully the increase in the damage deposit will provide the security that landlords need to provide more units.

Specifically, I'd like to touch on a number of amendments: 161(2.1) and (2.2), which are amended by striking out the word seven and substituting the word five. Some of the amendments in the bill deal

with the expedited eviction process. Amendments such as 160.2(1), which generally denies appeals for persons who did not attend or otherwise participate in the hearing process before the director, will be welcomed by landlords who have experienced an inevitable eviction that is prolonged by the appeal process. While some of these amendments are designed to make it harder for the quote, professional tenant, unquote, to manipulate the appeal process, it needs to be noted that amendments to 161(2.1) and (2.2) will likely only hurt those tenants who are not familiar with the appeal process. By reducing the appeal of a decision or order from seven days to five days, will–that will narrow the window for those who are genuinely unfamiliar with the process or who may have mobility issues that limit their capacity to respond in a timely manner. For example, it's not clear if five days means five business days or if it means that the appeal period can start on a Wednesday and can end on a weekend. For the stay–for the sake of two days, it would be preferable to leave out this amendment and allow the appeal period to benefit those who are genuinely intimidated by the process and need more time to prepare.

***** (20:30)

The next amendment that I'd like to touch on is the order of possession for unlawful activity. The new section 154(1.0.1), it reads that it may grant an order of a possession to a landlord for the contravention of section 74.1 whether or not the tenant or another person the tenant permits on the residential complex has been convicted of an offence relating to unlawful activity.

Unless I'm missing something, I'm not really–it's not really clear why this wording needs to be inserted. If there's a clear violation of section–of the existing section 74, and section 74 basically deals with the duty not to impair the safety or interfere with the rights of the landlord or other tenants, then it does not matter if there's a criminal conviction in place or not; an order of possession can't be given. Our precaution with sections like 96(5) or 154 is that they may be used by landlords or disgruntled neighbours to falsely accuse a tenant of unlawful activity. It would be one thing to order an eviction based on misleading or false claims. It would be another for the branch to be party to slander. The bottom line is that sections 73 and 74 deal with the questions of safety unlawfulness. If there are problems enforcing section 73 or 74, then they should be dealt with procedurally. Otherwise, this new wording may only serve to mislead.

In closing, I'd like to thank the members for bringing this legislation forward, and I'd like to thank you for the opportunity to speak to the matter.

Mr. Rondeau: Thank you very much, and I'd also like to say thank you for your work on the rental house–housing round table. That was very good.

Again, one of the things that I find challenging in this job is communicating to people about their rights, obligations, trying to get the information out. We mentioned to the earlier presenter the whole information on the advocate and on the people who talk about repairs and all this. Again, I'd love to hear your opinion on how we could get that information out more. I think that they're good resources, but I think that they could be utilized better and more, especially with people who are having difficulty with a branch or their landlords or who often see them at the last resort rather than at the beginning. And I'd love to see how you believe we could get more communication out, more work out there so that–for these people to do because I think they do do good work.

Mr. McIntyre: Well, we do our bit. I mean, we–the advisors that are within the RTB office that information is put on our website. We also have a resource pamphlet that we distribute and that information is in there as well. We also, in that pamphlet, we identify various community organizations can–that can help people. The model that I think that is probably most in need is something that originally started in the West Broadway community, the tenant landlord co-operation model.

The North End Community Renewal Corporation has continued with their own system of the tenant and landlord co-operation, and basically what you have there is an advocate who can–who is on the ground and people will come in when they're in crisis. Usually, this fellow is always dealing with people who are in crisis, and he's basically often mediating things right off the bat without having to go the RTB. If it comes to it, he will take cases to the RTB. He represents landlords and he represents tenants–probably mostly tenants. I know it's mostly tenants–probably about 80, 85 per cent. But that's a model that I think is probably much more needed. It's needed in other communities and I think–I know there's been some discussion there that that person actually needs to kind of become a mentor for other advocates, too, to become established and move out into the inner city, because a lot of the problems

where you're having conflicts between landlords, tenants–lack of payment is occurring in the inner city, but it's usually–and it's that population that is probably the most disempowered in terms of trying to access the representation or get representation in front of the RTB, so–

Mr. Rondeau: If you have a chance to send me an email about that–what you suggest, I'd appreciate it so that we can give it due consideration in the future.

Mr. Cullen: Yes. Thank you, Mr. McIntyre. I appreciate you coming down and sharing your ideas on this legislation and I wish you continued success with your program. Thank you.

Mr. Gerrard: Yes. I welcome your comments in terms of the section which deals with how to deal with unlawful activity, because I think it is fraught with difficulty if you're allowing someone or some process outside of the courts and the regular process to decide whether somebody has broken the law, and maybe you provided an initial comment on this.

Mr. McIntyre: So the question is what mechanisms could be used. *[interjection]*

Mr. Chairperson: Dr. Gerrard, kindly wait to be recognized.

Mr. Gerrard: Could you not require that there eventually be a conviction?

Mr. McIntyre: Well, I think the problem for landlords would be waiting for that due process, and that would drag out, so they wouldn't be able to get the evictions in time. I think–you know, I'm not sure how the process works, exactly. There was a case in the paper a couple of months ago where some fellow was storing explosives in his apartment and was acting threatening towards his neighbours. And that story was touted as an example of why you need to have this kind of legislation in place where you're–whatever wording is being used in terms of unlawful activity.

But the reality is, is that section 74 is clearly–would work in this case, where he's threatening the safety of neighbours. And so it becomes–for me, it becomes a procedural question of how the Residential Tenancies Branch is determining what is a danger. So whatever process they go through in terms of looking at the situation, it surely would have to be something on the ground and how that can be expedited. I really–you know, if the police–if you had to wait for the police to step in and go through a–

Mr. Chairperson: Sorry. The time has expired. Thank you very much.

I would like to call the next presenter, Brian Grant.

Do you have any material, Mr. Grant, to distribute?

Mr. Brian Grant (Private Citizen): No.

Mr. Chairperson: Go ahead, sir.

Mr. Grant: Mine's just going be an informal presentation. I used to be the former housing co-ordinator for West Broadway Development Corporation that is no more, right, for 12 years. As you might expect, over 12 years in a neighbourhood of West Broadway that has about 5,200 people, 4,400 of them live in apartment buildings and rental situations, that I had hundreds of tenant inquiries to my office about RTB issues.

When I read this Bill 40 legislation, I was a bit shocked when you read the ending, and they give you an explanation–a nice layperson's explanation of things, that the department is going to give the authority to the landlords to evict people. I don't know how many hearings I had to attend to help prepare a tenant on those evictions in the old process when it was seven days.

* (20:40)

And I'm telling you, you know most people, by the time they get the letter saying that they're going to be evicted, you know, serve the letter all different ways of serving it by the landlord onto the person, by the time that it settles into them emotionally about what's going to happen and everything like that, I was like the place of last resort. They ran down to my office and said, tomorrow, I'm–the eviction day is going to happen. What can you do?

Well, you know, what can I do other than to run to RTB before 4:30 and stop the–you know, stop the hearing, present some kind of argument on behalf of the tenant that I'll be working for the tenant. And I'm telling you, the department always paid attention to my, you know, sort of, almost injunction, you know, and so that I could help to prepare the tenant for these things, eh?

But to give the landlord the authority to decide on what an unlawful conviction is, I think that's an incredible breach of our Charter of Rights in this

country too. Like, I'm a senior citizen now and a low-income person, too, that lived in West Broadway for 18 years and rented, eh, until just recently, living in my house and with my partner. I just was just flabbergasted that, why would we need to give landlords this kind of authority.

I'll give an example. In the case of one of these people who came to me in short notice, this person had a–such a severe mental health disability challenge that she couldn't even read the eviction notice and she didn't know where to go. And it was only through word of mouth, eh, me being a housing co-ordinator, that she showed up. And I had to get the EIA worker, the community health worker; I had to get all of her workers involved with this person in her 50s that have lived their whole life with brain damage.

Now, she was being evicted for noise. She was a person who stayed up all night long, had a hard time, you know, going to bed and to sleep and everything like that. She was on medication and everything like that. And, because of a pretty mean caretaker who took a lot of, you know, hearsay evidence from the other tenants, right, resulted in her getting warnings.

Most landlords have house rules that if you get three warning letters, you're out, right? I didn't know that she had got these warning letters. I asked her to go home, go through all her papers and everything like that, and over about a two-year period of time, she was given these three warnings, right. So I'm running off to RTB. I got the letters in hand. She doesn't understand what it says and everything like that. She's got this–these barriers and obstacles to this thing, eh.

So I helped her prepare, you know, for her hearing and everything like that. And I really wanted to empower her, even with her disability, to be able to stand up in the democratic process, right, and speak on behalf of these allegations, which I found out in the end that the caretaker just had a photocopier or a–his computer, and he kept on using the landlord's paper of warning and just giving it to her constantly for everything she did. Like, she was in the laundry room and she was using the laundry room inappropriately. She was banging on someone's door just to say hi because she was out of cream or something like that. And every one of these people, being mean and stereotypical, right, over people with mental health issues, right, you know, would just, you know, prattle and say some story or something like–that led to this eviction.

Well, anyway, I was able to stop the eviction, right, you know. And to this day, you know, she's in a comfortable place in Spence neighbourhood. But she had gone through three times in her life where she was evicted for her so-called, you know, bad behaviour or unsavoury conversations or everything like that, eh, you know. And I'm not saying that she didn't do some things that bothered other tenants, but to give a landlord the right to do this because this landlord was going to try to evict her for just being her.

So where was her rights in that, especially when she was almost illiterate? She had a–her community health worker said that she had a literacy level of about grade 3 person. Even speaking to me was a really long, drawn-out thing. We had many, many meetings, right. I had to go down to the building. I had to knock on the door of the tenants, right. I had to ask them what were their complaints were and everything like that.

Now, that's the kind of work that, you know, a person like me was hired to do, right, to do this advocacy work on top of doing housing development in West Broadway, and I got to say that even the previous government, the Conservative government before that, through Winnipeg Development Agreement and then the current Neighbourhoods Alive! program, ever since 2000, right, has done an amazing amount of work in the inner city to rectify these problems, and actually working with the director of RTB has been a great opportunity for us to give feedback, right, from these issues that come and everything like that. And I know Gord McIntyre talked to you about the Tenant Landlord Cooperation program. I can say that that is a recommendation that we should probably–definitely have the government to consider, because when it was alive and well and it had funding in West Broadway, we had 28 landlords with about 50 buildings involved, right, in 10 a lot–panels where tenants of all walks of life could come to a panel meeting with their landlord and talk about mutual concerns in the building; someone's disruptive behaviour could be all put aside, eh, you know, because everybody has different behaviours.

I'm sure–like I lived in a building on Colony Street, and my landlord was on my case all the time for being noisy, you know. I liked to play my saxophone, and you can imagine my neighbours didn’t appreciate that, but they were allowed to tell me that they didn't. I said, well, is there a time where I can practise for 20 minutes, and so we worked

these things out. I mean, I think things can be worked out, you know.

So the Tenant Landlord Cooperation program is a great program. In order for both the landlord and the tenants to mutually get along is to co-operate so that these don't end up in very excessive and expensive disputes at the RTB, you know, offices. You know, and then you're having to hire, you know, administrative staff and it's costing millions of dollars and stuff like that to mitigate these tens of thousands of tenants and these issues, you know, where most of the time the landlord has the greatest advantage in a hearing. They understand the–you know, they understand the law, understand what they can and cannot do and most tenants don't; they just don't know what their rights are.

So, actually, you know, this section of the Bill 40 that takes away a person's right to actually defend themselves. You know, in a five-day period is–I think it's, you know, it's pretty bad. It's pretty bad. I think you'd need to go back even 10 days–we need to go backwards and actually give people some time to, you know, make a proper defence of so-called false allegations against them, you know.

And I just told you about somebody, a woman who had a mental health thing, eh, and it was just noise. You know. Can you imagine being thrown out because of just noisy? No? Anyways.

That's all I have to say. Thanks a lot for listening to me.

Mr. Rondeau: Thank you very much for your passioned presentation and also your advocacy, because I knew about what you did in West Broadway, so I have to say thank you.

If you were to grow the tenant-landlord panels, how would you actually grow them? And where would you embed them and how would you do that?

Mr. Grant: Well, I mean, there–it's a two-piecer, Honourable Jim Rondeau. We talked about, I think, before when I worked for West Broadway that there's–you can come out and have your staff get–put on presentations, and I used to do three of them a year–three of them a year. And we had really good turnout: 30, 40 people every time. You know, and they even got a one-on-one with their staff and everyone liked that, so I don't know what happened to that. I haven't heard about that if there's–if the staff is going out and trying to distribute and 'beliferate' the knowledge of the act and what everybody's rights and obligations are on that. So I think that's an important one.

But to get the TLC program up across the inner city where most of the apartment buildings are and rental opportunities are like, you know, in the tens of thousands is super, super important, right, you know.

I think I even mentioned this to a minister here, too, Ashton too, when he was in charge of Neighbourhoods Alive! that these tenant-landlord co-operation was an effective way of bringing the community together, right, and say, we all live here, we all love here. And there's an appropriate community excellence about living here, too, you know, about your behaviours and actions and stuff like that. So, you know, I can't say enough about, you know, what that did.

Unfortunately, it stopped being funded. It's only up in the North End because North End Community Renewal Corporation thinks it's really, really important to their community. You're right to bring those smaller landlords and larger ones together with a high population of tenants. But I don't know if the other neighbourhoods' renewal corporations are doing that anymore, and I think that's–it's super unfortunate that that is not funded directly by Neighbourhoods Alive!, right, to do that so.

Mr. Chairperson: Thank you, Mr. Grant.

Mr. Rondeau: Just a quick one. On the advocacy program that's embedded in residential tenancy, do people know about it and how could we communicate that better?

***** (20:50)

Mr. Grant: I–when I was doing it I made sure that I worked with the staff and I did it. I cannot speak for my colleagues. I'm sure they are trying to do their best, you know, with the resources available. If you haven't had them have the housing co-ordinators come in and meet with you, like, in the neighbour renew corporations, because I know that honourable Kerri Ross used to have fireside chats, and that was something that I put forward. And all the housing providers–non-profit housing providers used to get together and we used to talk about housing development, where it's going to take place, where the money's going–like that, eh.

So we don't seem to have those larger umbrella initiatives anymore, and strategies, and everything like that. Everybody's sort of kind of doing their own thing, eh. And then we end up, like, with

amendments that sometimes I think are–you know, that's just my opinion, eh. I'm not a lawyer. I can only tell you the hundreds and hundreds of tenants that I've had to defend in front of hearings, and commissions too.

Mr. Chairperson: Thank you, Mr. Grant.

Any questions?

Mr. Cullen: Oh, just a comment. Thank you very much for coming down tonight and we appreciate you sharing your views on the legislation and your thoughts on how we can make things better. And I also want to thank you for your advocacy work on behalf of tenants. So thank you very much for all that.

Mr. Gerrard: I just want to say thank you. We just want to say thank you as well.

Mr. Grant: Okay. Super, super. Thanks for the committee and allowing a senior citizen to come in here and, note, participate in democracy. I think it's super, super important. Thank you.

Mr. Chairperson: Thank you.

Now we'd like to call Josh Brandon. Do you have material for distribution, Mr. Brandon?

Mr. Josh Brandon (Canadian Centre for Policy Alternatives): She has it. She's just going to distribute it for you. You'll have a copy shortly.

Mr. Chairperson: Go ahead with your presentation.

Mr. Brandon: Thank you very much. My name is Josh Brandon, and I'm here as a housing researcher with the Canadian Centre for Policy Alternatives.

I'd like to thank the Chair, Mr. Rondeau, the committee members, for affording me the opportunity to speak about this significant bill, amending The Residential Tenancies Act.

The Residential Tenancies Act is a really important piece of legislation, balancing the rights of landowners and renters. Without fair and well-designed regulations, market pressures may unhinge the ability of many Manitobans to obtain a safe and secure home for their families.

Updating the act to reflect the contemporary needs of families in current market conditions is a necessary step towards securing the balance families need to build healthy and prosperous communities.

Quality, stable shelter is a fundamental determinant of health, is the basic condition without which, human–individuals are unable to participate in the benefits of Manitoba society. Health, education, job security and social interactions are all tied to access to secure shelter.

In recent years, the marketplace for housing in Manitoba has shifted dramatically. Low vacancy rates, a hot housing market and rising rents, have reduced the bargaining power of tenants and increased opportunities for profiteering by landlords.

Condo conversions, deteriorating stock of older housing, and the absence of federal investment in social housing over the past 20 years, have left market-based affordable housing in short supply. The need for solid rent control regulations is heightened in these circumstances.

Rent control is an important pillar of our housing system in Manitoba. It is important for all tenants, whether they're renting because they can't afford to buy a home, or because they prefer the flexibility and other benefits that renting offers. Across Manitoba, 29 per cent of households rent, representing some 140,000 families.

Although some mainstream economists have been critical of rent regulations, much of the criticism is directed towards outmoded and inflexible rent regulations associated with the war-time rent controls of the 1940s. Modern, second-generation rent controls, as we have in Manitoba, may help stabilize the marketplace and ensure that rents do not widely fluctuate in response to short-term market pressures.

A recent paper by University of Winnipeg economist, Hugh Grant, examining the Manitoba rent control experience, found that rent controls have been effective in preventing market disequilibrium. Grant found that rent control has not been a significant factor in reducing the vacancy rate or in reducing the incentives for developers to invest in new construction. In fact, exemptions for newly constructed units actually help to encourage new investment.

If anything, rent control in Manitoba could be tighter if it is intended to reduce the upward pressure on rents. Rent increases in Manitoba have left the ceiling on rent control unrealistically low. The logic of a rent-control ceiling makes sense if rent control is to exclude the luxury marketplace. But the current ceiling of $1,140 is well below what could be reasonably called luxury market in many neighbourhoods in Manitoba. For Winnipeg, the

current average rent for a three-bedroom apartment is $1,162. And so we look forward, with the regulations that are going to be coming out with this act, that will raise the rent-control ceiling. And we also would further recommend that the ceiling be indexed so that it continues to reflect actual market conditions.

Especially significant in this act is–are the measures for protecting tenants from the changes from–that will make it more difficult for landlords to evade rent controls by evicting tenants through renovations. This act will help protect tenants in cases where landlords conduct renovations in an unreasonable manner that interferes with the ability of tenants to enjoy their suite. How this is implemented, how the term unreasonable will be defined in practice, will determine the effectiveness of this provision. But, nonetheless, it is important to establish this principle in legislation. Landlords should not be able to sidestep the spirit of the RTA through renovating families out of their suites, and so we applaud that measure.

Finally, I would like to address one area of concern that we have with the legislation. And this concerns the curtailing of rights of tenants to appeal if they fail to attend a hearing. While recognizing that a small number of tenants have abused the appeals process to avoid lawful eviction, on the whole, it is landlords that have the power and resources to successfully navigate the hearings process and rent regulations more generally. Very often, tenants who miss a hearing face real-life demands of employment and child care that are insufficiently accommodated by the residential tenancy board if tenants are not offered an opportunity to reschedule.

What is needed is support for advocacy to help all tenants, and landowners also, to navigate the process successfully. The regulations are complex, especially for tenants who do not read or speak English fluently. The residential tenancy board should partner with neighbourhood organizations to provide the supports needed to make sure all parties are able to successfully navigate the rental negotiation process. We recognize the RTB makes many community presentations and is a good resource; however, more needs to be done to educate and support tenants from diverse communities across Manitoba.

Thank you, again, for the opportunity to present this evening.

Mr. Chairperson: Thank you, Mr. Brandon.

Mr. Rondeau: Thank you very much for your presentation.

Just wondering what you thought would be a reasonable ceiling for rent control so far. Do you think it should be $1,200, $1,300, $1,400? Where do you think it should go? *[interjection]*

Mr. Chairperson: Mr. Brandon, kindly wait to be recognized by the Chair. Thank you.

Yes, Mr. Brandon.

Mr. Brandon: I–we'll have to do some analysis of the numbers, to come up with a figure, but we'd be happy to meet with you and your department as we're developing the regulations and we look forward to those discussions.

Mr. Rondeau: Thank you, and for all the presenters who are still here, I hope that we realize that we will be conducting further discussions and–on the regulations and on the movement forward.

So, hopefully, you'll make yourself available.

Mr. Gerrard: Yes, the discussion around the appeal process and the question of whether this is being abused or whether, in fact, it's legitimate constraints of child care and work and so on which are resulting in people causing from you. I mean, in your experience in this area, when you're dealing with tenants who are failing to attend a hearing, is that because a tenant is trying to abuse the process and extend it or is that because the tenant usually has a problem with–can't get away because of their job or because of child care?

***** (21:00)

Mr. Brandon: I think that there's certainly cases to be found for either circumstance. What we're recommending is that all the resources necessary be put into place so that if there are tenants that are falling through the cracks that they be given the opportunities to participate. I don't think anybody wants to see the process abused and certainly there are anecdotal cases where every process does get abused in our society, unfortunately. But those few anecdotal cases should not be used to undermine the rights–and the rights of all Manitobans to have access to an appeals process and to secure safe housing in Manitoba.

Mr. Cullen: Mr. Brandon, I just want to say thanks for coming down tonight and sharing your views on this legislation. Thank you very much.

Mr. Chairperson: Thank you, Mr. Brandon.

Mr. Brandon: Thank you and I look forward to the opportunities.

Mr. Chairperson: Now, we're going to consider Bill 208.

Bill 208–The Universal Newborn Hearing Screening Act

Mr. Chairperson: Mrs. Rowat, you like to come join us?

Now there are two presenters who are walk-ins, Diana Dinon and Darren Leitao, so let's start with the first presenter, Andrea Richardson-Lipon.

Do you have any material to be distributed?

Ms. Andrea Richardson-Lipon (Private Citizen): Yes.

Mr. Chairperson: Okay, kindly go ahead.

Ms. Richardson-Lipon: Okay. Hi, my name is Andrea Richardson-Lipon and I'm an audiologist and I started working with Bill 208 in 2008. I was just in grad school from–with audiology and pretty green to the whole process and discovered that Manitoba didn't have a universal newborn hearing screening program and so I decided to change the world and follow in the footsteps of my predecessors, Sharen, Diana and Dr. Leitao; I worked with Dr. Gerrard and Leanne Rowat and the opposition to help work long and hard and we all persevered to get to this point and so I'm just going to start at the beginning.

Hearing is precious and hearing loss occurs more frequently than what is currently being screened for when a baby is born. Approximately six in 1,000 children are born with an educationally significant hearing loss. Universal screening means that every child born will receive a hearing screening test. This is typically performed before the child leaves the hospital. In Manitoba, only babies that have high risk factors are screened. Risk factors include prematurity and family history of hearing loss, just to name a few; however, only 50 per cent of babies with hearing loss have risk factors, therefore, half of the babies are being missed.

Late-identified children of hearing loss–and by late, that means approximately 18 months–are more likely to have speech and language deficits, social and emotion deficits and academic difficulty. The earlier a child is identified, the better they will do. It can be done with one simple test. It is that easy. Communication and hearing are so important to a child's development. If identified early, a child with hearing loss will more likely develop typically. The program Early Hearing Detection and Intervention aims to do that. Early identification is crucial to the child's speech and language development, social and emotional development and academic achievement. Presently, the current age of identification of children with a mild-to-moderate hearing loss is about 3 years of age and sometimes not until they reach school. This is far too late. If left undetected, hearing impairments in infants can negatively impact speech and language acquisition, academic achievement, social and emotional development.

The ability to hear in the first three years of life is critical to language development. When language is–does not develop well in the first three years, critical brain pathways do not develop. This may leave the child behind for life.

Early identification of children with hearing loss can help diminish these negative impacts and even eliminate them. This one test can reduce the age of identification to approximately 10 weeks. The goal is to screen every baby by one month, diagnose by three months and have intervention by six months.

Dr. Hema Patel, a pediatrician from Montréal and who spoke at pediatric grand rounds in 2011, stated that it is a neurological emergency to not detect hearing loss early. If a child is late identified or missed, the child's brain will not develop typically. A restricted ability to hear leads directly to a restricted ability to talk, a restricted ability to read and a restricted ability to write. Simply put, a restricted ability to hear leads to decreased ability to communicate, decreased literacy and decreased cognition. Early hearing detection intervention overcomes this restriction.

When I was a student, I also had the opportunity to have a placement at Central Speech and Hearing. They primarily work with children with cochlear implants, and some children in a family were identified late and early. So within the same family, you can see the results from being early identified and late, and it's just amazing and sad at the same time to see that, that it could all basically almost been prevented.

So the test costs approximately $25 to $30. Hearing loss is among the most costly of disabilities in terms of educational resource and underemployment compared to hearing counterparts. Language impairments will be associated with

increased costs as a society. A 'hearly'–early hearing detection intervention program reduces these costs.

Waiting too long to begin intervention runs the risk of locking in problems and limits effectiveness of potential treatments. Long-standing communication problems cannot be remedied–remediated easily, so early investment has a multiplier effect. A dollar investing in problems today will mean more saved in the long term. Inaction carries with it very high long-term costs.

While government and societies only benefit from avoiding such long-term costs, the cumulative costs of services for a child with challenges can easily be 10 times the cost of early intervention. The real costs of late intervention are borne by children affected this way.

Acting early means children with hearing loss can get the support they need to avoid difficulties and challenges that their typically hearing peers do not face.

Communication problems that remain unaddressed leave children at a developmental, educational and social disadvantage, and delays in treatment result in a longer and more difficult process to overcome these challenges.

In 2007, Margaret McCain, Fraser Mustard and Stuart Shanker argued, if we truly wish to provide our children with an equally–with an equal opportunity to maximize the potential, whatever that may be, it is vital we do everything we can to enhance their early development. By implementing an early hearing detection intervention program in Manitoba, we are able to prevent a host of development, behavioural and psychological problems that limit a child's potential and carry a tremendous societal cost.

Early identification leads to early intervention which costs government less in the long run. Children deserve every opportunity to be successful and should not be made to suffer because of unnecessary delays in identifying potential problems when the necessary screening tools already exist.

Hearing is precious and should be treated as such. Thank you.

Mrs. Leanne Rowat (Riding Mountain): Thank you, Andrea, for your presentation. You have been an undying support for this legislation. You have been persistent. You've been calm and very, very helpful in educating not only myself but members of the Legislature on this very, very important issue.

And we believe that, you know, the–that hearing loss is one of the–of Canada's most common birth defects, and we need to ensure that Manitoba children are given the best opportunity to succeed. And I believe that you're doing this for Maddie *[phonetic]* and for other babies that are coming into the world in Manitoba.

***** (21:10)

So I think that we need to ensure this legislation is fully implemented by the 2016 deadline, and I know that every year we run the risk of not being able to diagnose individuals. But I want to thank you for all of your support and all that you do in this area. You're a true advocate. Thank you.

Hon. Jon Gerrard (River Heights): Thank you, Andrea, for all you've done, and advocating in this area. Just let me give you an opportunity to explain one of the problems. Many people think that, you know, if you're diagnosed at age 5 that somebody can then, you know, get the hearing help and that they can overcome all the problems and then they'll be fine from then on. But that's not exactly the case. Sometimes these–if they're diagnosed at age 5, you've got a lifelong problem. Why is that? *[interjection]*

Mr. Chairperson: Kindly wait to be recognized. Thank you.

Ms. Richardson-Lipon: It's because there's a critical language development period, and if we miss that window of opportunity with children, then it just takes–it's harder to–for them to overcome that. And so that's why early identification is key to the whole process so that these children are able to be on par with their typically hearing peers, but while still living with a disability.

Hon. Jennifer Howard (Minister of Family Services and Labour): Thank you very much for your presentation, for your advocacy on this issue, and for your patience. I just want to let you know that our government is pleased to support this, be part of this, and an important part of it for us has been the willingness to amend the bill to give us the time to make sure that it can be fully implemented in the regional health authorities. I know there's been progress towards that in the regional health authorities, not equal everywhere, but we want to make sure we have time to implement it.

I also want to thank you, as the mom of an almost two-year old for this, and it looks like he's on track when I read this stuff, and we are doing all of these things, so I'm happy for that. But I just really do want to thank you for your patience and your advocacy. And I think you hopefully know and can tell other people it is possible to change the world if you work hard and long and you believe in something and are passionate about it.

Mr. Chairperson: Thank you.

Hon. Stan Struthers (Minister of Finance): Thank you very much for your presentation. I read not so long ago that by the time you're three years old you've learned 70 per cent of what you're going to learn in your lifetime. For an older fellow like me, I'm a little worried about that, and I feel I've missed a few years in there, but for somebody who's newborn, that's pretty good news if you can learn 70 per cent of your life's learning by the time you're three. And, obviously, if you've got challenges in terms of hearing, that's going to–it's very much going to be impaired. And I think that speaks to what Dr. Jon Gerrard and you were talking about in terms of how this becomes lifelong.

I'm also very interested–I used to be a school principal–I'm also interested in how–advice you would have in terms of connecting this with the school system, and similar resources that are available through school divisions across Manitoba.

Ms. Richardson-Lipon: That's a very good observation. There are some kindergarten's requirements that the children, before they can enter, need to have a hearing test done, so that can help with that. If there are children with hearing loss and they're made aware in the school system, which they would have to be, schools are equipped with FM systems for the classrooms, or they're given the personal FM systems. So that's how, I guess, health and education can be married together to help with this also.

Because it's not just identifying them, you know, one, three–one month, three months, six months, it's their whole lifetime. It's their whole school education, so everyone needs to work together to keep them on track.

Mr. Chairperson: Thank you. Thank you very much for your presentation.

Now I would like to call Dr. Sharen Ritterman.

Ms. Sharen Ritterman (Private Citizen): Thank you for letting me come and speak today. I'm going to speak to you from the perspective of an audiologist, and, as an audiologist, what does an early hearing detection and intervention program look like? Andrea gave some really good information that I'm not going to reiterate, so I'm going to go through the process of what this program would look like.

First of all, we have three components. If you think of the program as a three-legged stool, there are three major components that are critical to a successful, effective program. The first one is the screening, second is diagnostic and the third is the intervention.

The first screening that we do with newborns is we do an automated otoacoustic emissions testing. Otoacoustic emissions testing involves putting a little earphone in the baby's ear, sending in a little sound; if the cochlea and the nerve are intact and are functioning, it sends a little echo out and we record that echo. If the baby does not pass that screening, we have another screening which we do with auditory brain stem response. Again, it's an automated process. We put electrodes on the baby, we put earphones on the baby and we give them a sound and we record the baby's response–the baby's brain's response to that sound, so none of this has–needs the baby to be doing anything.

If the baby does not pass this second screening, then we need to go further and to do a diagnostic auditory brain stem response, and again we hook the baby up with electrodes, we put sounds in through the ear so that we can find out the type of the hearing loss, how severe it is and sometimes we can even get some estimated thresholds or levels that we can use when we're fitting hearing aids.

So, basically–so the intervention portion of the program, after the baby is diagnosed, then the baby and the family need some support. One, they need support in adjusting to the hearing loss and, two, they need some support from professionals, audiologists, speech pathologists, teachers of the deaf and hard of hearing, social workers, psychologists.

There's a whole team that the family needs to engage in order to go down this path with their hearing-impaired child. Intervention also includes medical intervention, so treatment for hearing loss that can be treated with medicine or surgery, such as cochlear implants.

So when we go through this process, then you have the one-three-six that Andrea talked about. So by one month, we want that baby screened. By three months, we want to have a diagnosis of the baby. And then by six months, we need to have a plan of action for that baby.

Madam Vice-Chairperson in the Chair

They need community resources for early language learning for the child and the parents to learn communication skills, to use other developmental skills, socialization, to get them ready for education. So there needs to be a program available for this education in the preschool years, because the school-age child, there is support in the system, in the school system, for the hearing-impaired child, but we have five years, five or six years, before that that we really need to lay the groundwork for these children.

On the handout that I gave you, there are some websites that you can look at to get more information but that support this. Thank you.

Madam Vice-Chairperson: Thank you, Dr. Ritterman.

Mrs. Rowat: Thank you very much, Sharen, for this great, great introduction to the process, because we all–we know what we want to get, and I appreciate the background on how to get there.

The effects of late identification of hearing losses is obviously detrimental to the well-being and development of a child, and you've outlined the process that would help speed up the process to ensure the late identification will have less of a chance of occurring.

And you spoke about 'cochuler' implants to–how–and I know Manitoba now offers that option. How well early detection help with the 'cochuler' implant process? Are you familiar or–and can you speak to that?

Ms. Ritterman: Yes, the earlier a cochlear implant is implanted, the earlier the baby has access to sound. And along with the hardware that they have, they also get therapy, so that the whole process starts–basically, if we can get them implanted by a year, which is usually the youngest that we can do, then by the time that they're in school, they can function at the level of their hearing peers. So it's very, very important.

And as we were discussing earlier, if you don't discover or you don't do anything about the hearing loss until they're 3 years, you've missed three years, so they never do catch up. But the earlier we can implant them, the better the outcomes are.

***** (21:20)

Madam Vice-Chairperson: Thank you, Dr. Ritterman.

Mrs. Rowat: Thank you, and what you're saying is what is very important is that you–by early intervention, you at times will reduce the need for other special interventions in school, so then the child doesn't feel different. There may–there is a way, then, for them to be able to communicate effectively and build confidence, et cetera.

Ms. Ritterman: Yes, and just an interesting fact: that children who are not identified early or that, you know, by the time they get in school, that it costs the school system about a million dollars per child throughout their education career.

Madam Vice-Chairperson: Thank you.

Are there any additional questions from the committee?

Mr. Gerrard: Now, tell us, if you've got a hundred children who are identified as hearing deficient, with the cochlear implants, with the hearing aids–I mean, there's a variety of degrees of deficiency and a number of different causes–what proportion of that hundred children are you able to bring up to the equivalent of them being able to hear the equivalent of somebody who hears normally or close to it?

Ms. Ritterman: I don't think that we can necessarily, you know, do it like how many are we going to bring up to that level. First of all, not every child who's identified is going to be using hearing aids or cochlear implants. We have the deaf community. So they have to have the option of being able to train their child in their culture. So, but, basically, if we have the supports in place, any child that we identify early, we can bring up close to normal as far as communication skills. That, you know, so that the education can go forward. But it's that early support, the social, the, you know, medical and speech pathology communication skills.

Ms. Howard: I just want to thank you for your presentation giving us more information about how it works. And I'm just thinking about back when my son was born and there was all kinds of screening done for all kinds of very scary sounding diseases that did not provide me a lot of–he didn't have any of them–but didn't provide me a lot of comfort when it

was happening as a new parent. And there was, I think, some kind of hearing assessment done by the nurses or the mid–he had midwives, as well. This kind of hearing test is more involved than, I think, that, but who can provide it? Is it only audiologists that can do it, or could nurses, public health nurses, midwives–could they also provide this kind of hearing test?

Ms. Ritterman: They can provide the test, but it has to be under the direction of an audiologist, and they do have to have special training to know how to use the equipment.

Madam Vice-Chairperson: Thank you very much for your presentation, Dr. Ritterman.

We will now move on to the next presenter, Maureen Penko.

Ms. Penko, do you have any handouts for the committee? Okay. Thank you, you may begin, Ms. Penko.

Ms. Maureen Penko (Manitoba Speech and Hearing Association): Okay. Thank you very much for allowing us to present, and at this hour I'm sure you don't–you maybe have an acquired hearing loss because your sensors are down.

Having said that, I'd like to just say I'm here as a representative and the past president of the Manitoba Speech and Hearing Association and a speech pathologist, speech language pathologist. Sharen and Andrea are audiologists. So I come from the other side. I come from the talking side. Our association regulates audiologists and speech language pathologists in Manitoba, and all audiologists and speech language pathologists in Manitoba must be members of the association. So we have a regulatory body.

Having said that, as an association, have about 450 members, and we strongly support the proposed universal and newborn hearing and screening program, Bill 208, for a number of reasons. You have the information in front of you. I won't reiterate all of it because there's some salient things I think you need to attend to, and I know other individuals who have more expertise will speak to those other points.

I'm also here to advocate for the families who have children who are communicatively impaired because they cannot advocate for themselves. You've already heard there's a critical period in which acquisition through normal senses takes place in the brain. So imagine that, as of now, you've suddenly–the lights went off and your hearing shut down. You wouldn't hear any information, you wouldn't process it, you wouldn't understand it and you wouldn't have any ability to respond. It's not like just turning the lights back on. It's not like putting your glasses back on and bringing 20/20 vision. It's different. And the later it happens, the more impaired you are.

Mr. Chairperson in the Chair

Each year more than 2,000 children are born in Canada with hearing loss, making it one of our country's most common birth defects. How sad it is that we're talking about it in 2013, about whether we should even consider it. Hearing loss far exceeds common incidents of conditions for which newborns are routinely screened. Approximately six in every 1,000 babies born in Canada have some degree of hearing loss including profound deafness. And that's not to say we don't have screening, but our screening is for high risk. So what about every other child that may not be high risk but, guess what, shows up in the kindergarten classroom with a profound bilateral hearing loss because, guess what folks, they can compensate. They can gesture, they can use their eyes and they can use sensory input to figure it out. And so they become just a late talker.

Early diagnosis and intervention can profoundly and positively impact a child's success both in the classroom and in life. The average age–and I won't go into detail because I'm not an expert and I know Dr. Darren Leitao is here–from Manitoba's pediatric cochlear implant population is 3.4, and it really should be 12 to 18 months.

We know that early identification–and congratulations to the people at this table, because we have been persistent about early intervention, Healthy Child programs, meals, things like that that enrich a child's ability to learn and grow. So why don't we keep it going? Why do we have to go back and say, I wonder how we can roll it out? And here we are, from 2008.

Early identification and intervention leads to increased opportunities to be integrated, a term we love to use: equality integration. What does that mean? Into a regular school system, and I'll refer you, I have attached an article by Dr. Andrée Durieux-Smith, who really was instrumental in the newborn hearing universal screening program research, and it's a published paper. She also says, economic benefits include decreasing the needs for special classes and, down the road, increase

opportunities in the workplace, including being contributing members of society.

I recently went to Starbucks–I'm not promoting Starbucks–and there was a lovely gal there, and she had a cochlear implant. I was so impressed. Her quality of speech, her–she took a little while to process my information, but, overall, there she was.

Hearing screenings are inexpensive, quick, reliable and, I understand, painless–I only know it as an adult–and should ideally be administered shortly after birth prior to the baby leaving the hospital, and this has been cited by our national organization.

Currently, as I mentioned before, only those with high-risk factors have been screened for permanent childhood hearing loss, and yet nearly 50 per cent of infants with childhood–permanent childhood hearing loss have no high-risk factors, so they could easily be missed. Like you mentioned, the high risk of–you know, need this special screening and that–well, what about the one who didn't get all those special screenings, right, because they didn't present in this or that.

I just want to take a moment to refer to Dr. Andrée Durieux-Smith's study, and I emailed her this morning because she was so excited to hear we're here at 9:30. And these are the points that she makes–and her colleagues: If undetected, hearing loss leads to significant delays in development of speech, so that's the hearing of sound; language, the formation and co-ordination of sound to produce words and connect them to express your ideas and meaning; and literacy, the ability to read, write and spell, that can turn into limited educational, occupational options. Why would we compromise a baby of today for the future contribution of a Manitoban society, I don't know.

***** (21:30)

Second point: In a study on the economic burden of hearing impairment, it is estimated that severe to profound hearing loss of prelingual onset, meaning prelanguage, is expected to cost society approximately $1 million over the lifetime of an individual. That's back in 2008. I don't know what it is now. Sharen mentioned then there comes a whole host of educators. It's not just, let's identify the hearing and maybe–because sometimes we get false positives and then what is all the process of the follow-up? Most of these costs were attributed to special education and reduced work productivity. Deafness is therefore among the most costly disabilities, and it is suggested that interventions aimed at reducing these costs should be aggressively pursued.

And the third point is by 2000, the organization endorsed universal newborn hearing screening and promoted early detection and intervention for infants with hearing loss, and that's on page 2 of the study.

So, in closing, the Manitoba Speech and Hearing Association–and thank you to Dr. Jon Gerrard and people who just always take up the advocacy for as much healthiness as we can have–we are in complete support of the bill.

We would also like to highlight the need for a training program in communication disorders, and we can't press on enough that this does not exist in Manitoba. Every one of us has trained outside of this province, if not in the United States, and fortunately come back here. This program would train audiologists and speech language pathologists to provide these necessary services.

Thank you for your time at this late hour.

Mr. Chairperson: Thank you for your presentation.

Mrs. Rowat: Thank you very much for your presentation today. I think it's been a great opportunity for the members of committee to learn so much about the significance and the importance of this type of testing. I thank you for your support. We have been working on this for a number of years, and I believe that it's something that needs to happen in our province.

With regard to the training program in communication disorders, has there been any discussion with the association with post-secondary education here in Manitoba? *[interjection]*

Mr. Chairperson: Kindly wait to be recognized. Thank you.

Ms. Penko: I'd better put my glasses on, so I can see better. Yes, there has. We have been–we have met with the provosts at the university. We have been invited to–by the previous minister of Health–to speak and present. We have presented twice as a guest on invitation by Jon Gerrard. I'm sad to say we had three people register at the last breakfast meeting. I realize everybody is busy. We have been wholeheartedly endorsed by the Canadian council and university presidents for our program initiative in the province at the national level.

Our next step is, hopefully, to present–be able to present to the caucus of the NDP party–we've been invited–and to go to the chairman, Jay Doering, of post-secondary education and present there. We never got a chance to go to COPSE. I guess we didn't–we weren't on the right putting green. I don't know what that was all about, but we have been slogging it for 10 years, if not more. And I do apologize, because it was in action many years ago and it died a natural death and it just sort of went way down.

Mrs. Rowat: Thank you for those comments. I would also invite you to meet with the Conservative caucus, which I'm a member of, and have met with different organizations and individuals with regard to this issue and I think it would be if–when you are setting up a meeting with NDP caucus, I would welcome the opportunity to co-ordinate this similar meeting with our caucus as well.

Mr. Gerrard: Thank you for your presentation and your hard work in trying to improve hearing and training for hearing and so on. Just because I think people are coming from different perspectives, we've had quite a number of people who are trained elsewhere. Why is it that we couldn't rely on just having people trained elsewhere in the future? *[interjection]*

Mr. Chairperson: Kindly be recognized before you answer the question.

Ms. Penko: Right. I don't want to derail Bill 208. That's still the pressing thing at the moment. But thank you for that chance to speak to that.

We–because we don't have a training program, those of us, as I said, have gone internationally or have trained across Canada, have felt passionate about the profession, but have had to take our dollars elsewhere.

When we recently presented in the Legislature, we heard from one of our recent graduates, who had to go to the United States to get her training. She had to compromise her family for that. Her husband would come down with their baby so that she could get her degree.

I don't want to go into the dollars and cents. It's very expensive. And to be able to practice here, the minimum requirement is a master's degree that we have. So that's the baseline, the rest of us with Ph.Ds.

So we leave, we go away. We take the revenue that could have been left here in Manitoba, and we take it somewhere else. Fortunately, some us have parents that support us and are still working to do that. And other people take exorbitant loans, and other people try to work.

But the interesting thing is, when you go to the United States, you can only work so many hours, because there's a limitation on how much you can work. And then, we might get invited to stay where we are, because it's–the salary's better, or, you know, whatever the features are. You might meet somebody and decide to live there and you don't come back. So what a loss–in Manitoba.

Every year–I'm still part of the mentorship program at the University of Manitoba and the number of students that come to see me at my site of practice to say, I want to go in the field. And a number of women and men who are married and are thinking of another career are not going to leave their families to go elsewhere and get trained. But they make compromises and so when you–we do, by the way, have a very detailed statement of intent with dollars that tells you what it–what you're losing each year as each one of us goes down there to be trained, pay their professors, do US exchange or go to other provinces or leave the country.

And then–

Mr. Chairperson: Time for questions and answers have expired. Sorry about that.

Now, I'd like to request Diana Dinon to present. Any materials to be presented, to be distributed?

Ms. Diana Dinon (Private Citizen): No, I'm sorry, I don't have any materials. I just found out about this opportunity late this afternoon and I had to plan and be at my mother's 80th birthday party. So I apologize.

But I've been a pediatric audiologist for 23 years here in the province and I've been involved with starting to–trying to implement a universal newborn hearing screening program since the early 1990s. So I definitely wanted to take the opportunity to come and speak with you and answer any questions that you might have.

Mr. Chairperson: Kindly, go ahead.

Ms. Dinon: Okay, thank you.

As you're all aware, the WRHA offers high-risk hearing screening programs at both Health Sciences Centre and St. Boniface Hospital and, as we've already identified to you, this really misses

50 per cent of the hearing loss that is actually present in the population.

So just to give you some actual numbers for that, the total high-risk population that's screened between Health Sciences Centre and St. Boniface Hospital is about 600 babies per year, and that would be 600 of the 10,000 babies born–and I'm just talking about Winnipeg. I'm not going to talk about the other regions. So we're really screening a mere 6 per cent of newborns that are born in our province.

Early hearing detection and intervention programs are the standard of care in Canada, North America and throughout most developed countries, and even some developing countries if you look in the literature these days. Several provinces have been providing screening and intervention programs for over a decade, and this is long past due in Manitoba.

The need for early detection of hearing loss and the importance of this on speech and language development is critical. I'm not going to go into that; other people have spoken to you on that already. I just want to speak to you as a front-line audiologist who is working at a centre which diagnoses a large percentage of the infants and children that are tested here in the province.

Year after year, I see children who are diagnosed after the critical period of language learning. In 2012 we had at least eight children who were newly diagnosed between the ages of 2 and 10 years of age, three of which were 3 and two of which were over 8 years of age. The effects of this late diagnosis will have an impact throughout these children's lives.

***** (21:40)

We have seen an increase in the number of well babies, and when I'm talking about well babies, I mean, babies who are not born with a risk factor for hearing loss, which would be part of our program. There–there's been an increase of those being referred to our WRHA central audiology wait-list. Although it is steadily increasing, it is nowhere near the total number of well babies born in the province. These babies currently are being screened by audiologists within Winnipeg, who are already challenged with long wait-lists. The waiting list right now is probably between one and two years for children to get in for a hearing test.

I should preface that by saying babies are a priority on our wait-list, so any baby under four months, whether they are a well baby or a baby with high-risk factors, will be placed on a priority screening, and they will try to be screened first. And this will, of course, then have impacts on the other children who are waiting on the waiting list who are older.

With a comprehensive EHDI program, this would allow for these babies to be screened by hearing screeners, thereby reducing the impact on the current wait-lists for the older children.

Another change that we've seen over the past few years has also seen an increase in parental requests for hearing screening. And often these are coming from parents of second-born children, who have come from another province, where their first child has automatically been screened because they offer the screening program, and they're extremely surprised that we do not offer the program here and that it has to be requested.

Not only is newborn hearing screening of all babies critical, a comprehensive program incorporating follow-up of all children, with risk factors for late onset or progressive hearing loss is necessary, as well as adequate resources, including trained pediatric audiologists for diagnostic testing because screening is great and I think it's a great place to start. But, once you screen these babies, you have to diagnose these babies, and you have to then provide intervention. So, without the proper diagnostic and intervention component, screening has to be questioned.

So, with the comprehensive intervention programs, our imperative for successful outcomes–we are encouraged that the bill has made it to this point and look forward to the possibility that all newborns in Manitoba will receive a hearing screening, like the majority of all other Canadian babies.

And I thank you for the opportunity of speaking to you this evening. And, if I had a bit more time, I would have prepared a lot more with a lot more statistics for you, which I can certainly provide in the future, if any is needed from one of the sites that does most of the screening. So that's it for me tonight.

Mr. Chairperson: Thank you very much.

Mrs. Rowat: Thank you, Diana, for your presentation, and I appreciate the work that you do in the front line, with regard to babies and making sure that they're given the best opportunity for full potential. You've identified some areas that are challenges, and we are aware of them. In our

debates, we did discuss some of those challenges, but I think our babies are worth it, our children are worth it, and I believe that if–the sooner we can diagnose and treat, then you're going to have children that are going to be less reliant on resources within the school system. And we know that those are, you know, additional costs that–and also then, just, you know, the well-being of a young person, having the diagnosis early will, you know, there's–their ability to learn, to interact will be that much stronger.

So, I just want to thank you for that, and I look forward to actually following up on your presentation today in future discussions. I really appreciated what you had to offer and I would like to continue the dialogue, so thank you.

Mr. Struthers: Thank you very much, Diana, for your presentation. Earlier I had asked a question about the connection to the school system, especially the, I suppose, the elementary school system. But I suppose the more pertinent question I should have asked, I suppose, was, once there's the screening and the diagnosis and then some intervention, what's the impact on our—beyond the preschool child-care system. What–what–if there's a lot more detection and a lot more of these kids, and they're going through our child-care system before they get to the schools, and if I'm even close in the fact that I read about learning 70 per cent of what you learn in your first three years, the bigger impact, more immediate impact's going to be on the child-care system.

What would your advice to us be in terms of what needs to happen at that stage, in those institutions, to–once these increased numbers of diagnosis hits that system? What do we need to do to be ready for that?

Ms. Dinon: Thank you. I just want to make sure that I'm understanding your question correctly. So you're talking about children who will have been diagnosed and have been fitted with amplification. How will that impact the preschool system?

Well, I'm thinking that those children would have been in the preschool system anyway, if it hadn't been detected and they probably would have needed more supports without their hearing aids. So, by providing the hearing aids at a much younger age, which we strive to do by six months of age, and providing adequate habilitation, we should be getting those kids at their normal language levels much sooner than we are now, without fitting them early. So I would think the impact would be less because you're going to have children who have been fit early, have had therapy early. I mean, there may still be a need for, you know, some of the kids who might have more severe, profound losses for aids and that type of thing, but kids with maybe a moderate loss who may have shown up as perhaps a behaviour problem and nobody detected the hearing loss would now be fit, be able to communicate, and may not require that one-on-one worker. Is that sort of making–is that answering your question? Yes? Okay.

Ms. Howard: Yes, thank you very much for your presentation, and I know you talked about what's happening in Winnipeg. I don't know–maybe you're not the right person to ask. I had–I'm from Brandon originally and I–in my head, I remember somebody talking about a hearing screening program in Brandon. Is that still happening? *[interjection]*

Mr. Chairperson: Kindly be recognized. Thank you. Ms. Dinon.

Ms. Dinon: Sorry, thank you. I can speak to that a bit. Sharen is the provincial audiologist who would be more involved in that, but I have been involved with the process in the past so I have a good understanding of it.

How that initially started was that there was a grant from the CTI funds, sky funds–no, CTI, not sky–CTI in the Brandon region, to have a co-ordinator for a universal hearing screening program. But that was the only funding that was provided. So Brandon did start screening babies within their region, Brandon and Assiniboine, and I believe they use nurses there to do the screening.

I know for a fact that they're very pressed for resources, as far as once the screening is done. The diagnostics and the intervention portion of it are probably not as strong as they could be or should be to provide what is needed. Also, there is–you–there–and I don't know if they cover all of their region; I'm not that familiar with Brandon. But I know, for instance, in Burntwood–I'm sorry; I'm using the old regions, I'm not used to the new regions yet, so I apologize–but in Thompson, they provide screening. But I–they don't provide it universally in their area because their area incorporates some of the First Nations as well, and that–it's not currently being done there. And, in the Beausejour area, they provide screening–in Thompson it's done through–they have a hearing screening person who works with the audiologist there and they do the screenings in the hospitals; it's a–like a rehab type of a position. And then we had assistant position.

In Beausejour, the public health nurses do it and I was just communicating with them last week, and they don't cover their whole region either.

So, yes, there is some bits and pieces of screening of well babies throughout the province, but it isn't a co-ordinated effort, and if you look at some of the other provincial programs, Ontario and BC, they did actually have a comprehensive program that they rolled out to the whole province–

Mr. Chairperson: Five-minute time has expired. Is there leave for the committee to allow the questions on Thompson to continue? *[Agreed]*

Kindly finish your statement, and then this would be the end of it. Thank you.

***** (21:50)

Ms. Dinon: Oh, okay. Thank you.

Sorry, I forgot where I was. *[interjection]* Yes, no co-ord–there's no co-ordinated program. There's no co-ordinated early hearing detection intervention program in this province. And that's necessary because we need to be able to track these babies; they often move, they're very transient, some of them in some of the communities. So we need to be able to know who's screening who, so we're not duplicating the screening, what the results are, we need outcome data. So having an incorporated, truly provincial program, starting from screening but including the diagnostics and the intervention, is really the goal, I would think, in the outcome. I know we're talking about screening right now, but it goes beyond that, especially when you're an audiologist diagnosing the babies. So does that–giving you information you need? Okay, great.

Mr. Chairperson: Thank you very, very much.

Now we have Darren Leitao. Do you have any material to be distributed, Mr. Leitao?

Mr. Darren Leitao (Private Citizen): I don't. Much like–

Mr. Chairperson: Kindly go ahead.

Mr. Leitao: Okay. My name is Darren Leitao, and I'm one of the pediatric ear, nose and throat surgeons here in Winnipeg and at Children's Hospital, and I'm also the director for the cochlear implant program here in Winnipeg.

As over the last 10 years, or almost 10 years–it's hard to believe–but I've spent my practice highly focused on pediatric ear disease and specifically hearing loss. And, in that vein, I probably see the vast majority of kids in the province who have–who are diagnosed with hearing loss. So, I think I'm in a good position to see and maybe share with you what some of the parents go through, what some of the kids experience and, you know, some of the personal anecdotes that may be 'collab'–or expound on what the others have said earlier today. I think you've got an excellent cross-section of hearing professionals and people that deal with hearing loss here today. You've seen audiologists in the private sector, audiologists in the academic tertiary centres, provincial audiologists, speech language pathologists and me, as a physician.

So I hope that shows you how much we all care about this bill and what it will mean for Manitoba children.

One of the things–as other people have said–they've already talked about the science of hearing loss, that early detection is better, that patients do better when they're diagnosed earlier, that there's a critical window in which we can provide sound to people who are of profound hearing losses. And, if we try to provide that to them after that critical period, the brain turns off to sound. It starts to do other things. And, if we try to give them access to sound after that period, we've lost it. It won't work. And so that's why it's so critical, to be able to test these kids early, so we can get them the interventions they need.

In my practice, I would say that it's true that we don't catch kids early. The number of kids that we catch under the age of 2 is extremely small. And it's always in kids who have other risk factors that have had them–that have triggered us to test their hearing early, whether it be a family history of hearing loss, or a syndrome associated with hearing loss, but as others have said, a full 50 per cent of kids that are diagnosed with hearing loss have no risk factors. It's a hidden disability. Unless you test it, you won't find it.

Many parents feel a lot of guilt when they're finally diagnosed–when their child is finally diagnosed with hearing loss, because parents often know that there's something wrong, or not quite right. But they don't know how to put their finger on it. Either, it's a behavioural issue, it's a speech issue, but very seldom is it just a hearing issue. There are so many other ways that it gets passed off; the TV's too loud, other people are talking, you know, this kid

can't say anything because the other kid talks too much. There's so many different things like that. A lot of parents will even go to their physicians and say, you know, I have a hearing–I think my kid has a hearing problem. But even the medical profession doesn't always catch in or clue in, and we'll–many older physicians might, you know, whisper in the ear, or try to play a rattle. And those things, you know, just aren't good enough, not in this day and age, when we have the technology to test these kids and take away the guesswork and the what-ifs and make it–we can truly know.

I have some–because I see a lot of these kids with hearing loss, I have a number of families who have multiple children with hearing loss. And one that always strikes me is one where the family first showed up with two kids: a 2-year-old and a 4-year-old and the complaint was for speech problems in the 4-year-old. And we found out that this child had a profound hearing loss. And it was a big shock to the family, and then we said, because this child has hearing problems, we should test the younger child. And the younger child also had a profound hearing loss.

And, both of them ended up getting cochlear implants around the same time, and the trajectory at which they both improved in their speech was astounding. The one who was 4 years old had a very slow progress in terms of their speech and language development. And the one who was 2 years old had this sharp incline, and it was amazing to see the difference. And even after three or four years of therapy and training and in a well-intended family, who spends a lot of time with them, we still see this gap in language, solely based on the age of diagnosis. And they subsequently had another child, who got diagnosed at birth, and also had the same problem, got cochlear implants and, again, we're seeing an even steeper incline in terms of how much they improve.

So the age at diagnosis–and it's spread out through medical literature–is probably the single-most well-accepted prognostic factor in how kids are going to do.

I think that's probably the biggest thing I wanted to say. The other thing is that in the adults that I implant with cochlear implants, I always to get them to tell me a story about what life is like without hearing loss–or before their cochlear implant–and what life is like afterwards. And probably the most striking things that people tell me is how much they lose contact with the world, how their social circle shrinks. They no longer participate in groups; they no longer socialize; they want isolated, solitary activities.

And they withdraw. And I don't think that's just isolated to adults. I think that same thing happens with kids, and it–when in a period where you're trying to grow and you're trying to make connections with your mother and your parents, all people who are yearning for that connection, I think not being able to do that is–makes an incredible toll on a child.

I figured since, as the physician here, you might have more questions for me than I can really share with you. I think you've heard from all of us that we really think this is a great idea and that we can't wait for this to get implemented. But, perhaps if you have questions for me, I can answer them.

Mr. Chairperson: Thank you for your presentation.

Mrs. Rowat: Thank you, Doctor. And we have met a couple of times, at the speech and hearing dinners, and in discussion you had indicated that there's, you know, there are a number of factors that are going to play in the implementation of this happening.

We know how long it took you to be in our province, to provide the expertise that you do in cochlear implants, and we know how important that work is. But we also know that it's critical that the sooner that we can identify children with hearing loss, the better it is for all of us who are providing services and supports.

Can you speak to some of the challenges that you see Manitoba facing as we go forward and to the implementation date of–I think we're looking at 2016? We're in discussions with debate. So we've got a number of things that we have to get done before we can move forward.

Mr. Leitao: Sure. That's an excellent question, a very practical question for this committee.

I think, much like Sharen and Diana have commented on, it's not just enough to screen. It's no good 'diagno'–being able to take the X-ray of a broken leg if you can't put the cast on and fix it. And, in the same way, it's not enough to just diagnose or screen the child to say you may have a hearing loss, because that's what screening does. It catches all the kids that might have hearing loss, but, at the same time, it catches people who don't have hearing loss. So you really need that diagnostic component, and that's definitely one of the challenges. Already our

current complement of audiologists in the province are swamped with the amount of work we have with the current existing load.

***** (22:00)

We know that the Manitoba Pediatric Society is a very strong advocate for universal hearing screening and, to that end, they're starting to send a lot of their routine well babies for diagnostic audiograms, the full audiometric testing, and that really does overload the system. It's a well-intentioned idea, but we really need to have those resources in place to accommodate what's going on. If you have screening in place, we can push all of this out through another way and filter out the ones that really need that diagnostic testing. And then once we have that diagnostic testing, we really have to have resources in place to know what to do with them once we find out. First that's hearing aids and getting them the amplification needs that they require, and then that's the interventions, the speech therapists, the early interventionists to help them make those connections between what they hear and what it means, and to give them those connections, that language development, because that's really what it's all about; getting them that language development.

The other things are how do we implement a program universally across, say, a geographically widespread population. We have areas where there's a large concentration where things are very–probably much easier to implement. And then we have health regions where the populations are spread over large geographic regions and how do we get the personnel and the technology into those areas to provide it equally to Manitobans. I think those are probably some of the big challenges.

Mr. Gerrard: Yes, two points. One is roughly how many children a year would be born with hearing problems or hearing loss or hearing deficiency. And second–I mean, we heard earlier on about the importance of having a training program here for audiologists and speech pathologists. As somebody who's not either, you can probably give an independent perspective on that.

Mr. Chairperson: Thank you. Minister Howard.

Ms. Howard: Don't ask me to answer that question.

Mr. Chairperson: Thank you. Sorry, I didn't recognize you, Dr. Leitao.

Mr. Leitao: Sure. Mr.–Dr. Gerrard. Can you just say the first part of your question again?

Mr. Gerrard: How many children would be born each year?

Mr. Leitao: Okay. So, in terms of how many children, that's a tough question to answer, because there are different types of hearing loss and there are different severities. When you–when we've looked at our Manitoba health data and we've looked specifically at our severe to profound hearing loss kids that require cochlear implantation where we were sending them out of province, we're–that percentage is probably about 20–20 a year. But the percentage of kids that have hearing loss in general is much larger than that. And, unfortunately, we don't have a good database right now that really tracks that.

When I did a review of my own personal practice between 2004 and 2008, we probably had about 140 kids with hearing loss over that period. So, over a four-year span, we're probably looking at maybe 30 kids a year–30, 40 kids a year. That's only to my practice. I can't speak to the entire province.

In terms of what would a training program for audiology mean for the Province, as I stated, right now we really struggle with getting access to audiometric testing for our kids. A large part of my practice is doing ear surgery for kids who have hearing problems for a variety of issues, and for those populations we need to get preoperative testing and we need to get post-operative testing to confirm that we're actually able to do what we wanted to do. And our benchmarks in terms of how soon we–when we recommend and when we want to get our hearing testing is probably–our waitlists right now are probably double what we actually want them to be.

Mr. Chairperson: Thank you.

Ms. Howard: Yes, thank you very much for your presentation, and I think you may be the last presenter tonight. So thank you for sticking around.

I just want to thank you for coming to Manitoba. I know you've been here for a few years now doing this work, and I just want to thank you for that. I know that before you came here, families had to travel very far for the services, for a surgery like the cochlear implant. So I want to thank you for coming.

I'm going to–part of my work is as minister of people with disabilities, and one of the audiologists mentioned before about the deaf community and deaf

culture, and I know you're very aware of some of the debates there. And I want you to talk a bit about how we also support children whose parents may be deaf or children for whose family decides that the treatment that they want for their child is learning sign language, learning how to be a successful deaf person.

Mr. Chairperson: Mr. Leitao, you want to give a quick answer? There's only 10 seconds left.

Mr. Leitao: Sure. I would say that's an excellent point. There's definitely cultural sensitivities that are required in dealing with this. Up until the 1990s when cochlear implants in children became a well-known treatment option, there were well-established training programs, schools, philosophies for management and cultures that had developed. And I always feel like I'm a bit of an outsider stepping into a world where we've never really existed before. The medical profession has never really existed in the treatment of people with hearing loss before until the last two and a half decades. So it's actually very new for us.

When people are diagnosed with hearing loss, our first answer is, let's look at amplification and see how much amplification can improve their hearing. And then we get to a point where kids who have profound hearing losses, even the most powerful hearing aids don't really give them access to speech and language so that they can communicate and develop those skills. And in that situation, then, we have to decide–and we ask the parents, you know, what is it you want for your child? Do you want them to be a spoken–a listening and speaking communicator or do you want to think about another option for language, which is sign language? And I always tell them, there's no wrong answer; you just have to pick something because we want to give the child some way of communicating.

Having said that, I also give the anecdote that if I was in France, it's to my advantage to learn French if I want to communicate with the world and the environment around me. And I think that's something that parents have to think about, about where are those supports and where is that culture. We do have families that have parents who are deaf, who are sign language communicators, and they have children who are born deaf. And, in those situations, we fully support the families to provide sign language as the mode of communication for those children.

Mr. Chairperson: Thank you.

*** * ***

Mr. Chairperson: Now, is it the will of the committee to take a small recess before we call–there are three more presenters from the first call. So, what is the will? Do we want to take 10 minutes recess or we continue? *[interjection]* Okay, let me request these names have been called earlier. If they are here, we would just, after the recess, call them, or do we want to continue now?

Okay, so let me call the names; if they are here, we would like to hear from–could I have attention, please. I would like to call Laura Ealing, second time. Not available. Maryanne Hladun. Not available. Rita Kurtz. Names are dropped from the list. This concludes the list of presenters before me.

Are there any other presenters in the audience that'd like to make a presentation? Seeing none, that concludes the public presentation.

Now, I would like to suggest a few minutes recess, or you want to continue clause-by-clause passing of the bills–continue? *[Agreed]*

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

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

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

***** (22:10)

Ms. Howard: Mr. Chair, I just want to suggest an order in which we go through the bills clause by clause, mostly just to facilitate groupings of bills where–which are in the same portfolio, so some of us–not us, but some of the staff maybe would like to leave. So what I would suggest, we go through the bills in the following order, starting with Bill 2, then 37, then 34, then 40, then 31, then 208, then 211.

I can give you the list, if that's–

Mr. Chairperson: It has been proposed that the committee considers the bills in the following order: Bill 2, The Highway Traffic Amendment Act; Bill 37, The Emergency Measures Amendment Act; Bill 34, The Property Registry Statutes Amendment

Act; Bill 40, The Residential Tenancies Amendment Act; Bill 31, The Workplace Safety and Health Amendment Act; Bill 208, The Universal Newborn Hearing Screening Act; Bill 211, The Personal Information Protection and Identity Theft Prevention Act.

Now, we are considering Bill 2.

Bill 2–The Highway Traffic Amendment Act (Respect for the Safety of Emergency and Enforcement Personnel)

Mr. Chairperson: Does the minister responsible for Bill 2 have an opening statement?

Hon. Steve Ashton (Minister of Infrastructure and Transportation): Just briefly, this was introduced some time ago, but it's a very important bill that deals with specific provisions to ensure that people slow down and will make a real difference for emergency workers. So it's been on the agenda for a while, but it's very important.

Mr. Chairperson: We thank the minister.

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

Mr. Ralph Eichler (Lakeside): I do not.

Mr. Chairperson: Please go ahead.

Mr. Eichler: I said I do not.

Mr. Chairperson: You do not? Oh. Thank you. I'm sorry.

Mr. Eichler: Maybe I didn't make that clear.

Mr. Chairperson: Thank you very much.

Now, clause 1 and 2–pass.

Shall clause 3 pass?

Mr. Eichler: I move

THAT Clause 3(2) of the Bill be amended by replacing the proposed clauses 109.1(2.1)(a) and (b) with the following:

(a) if the speed limit of the location of the emergency vehicle or designated vehicle is more than 60 kilometres,

(i) slow the approaching vehicle to not more than 60 kilometres, and

(ii) not exceed 60 kilometres until the approaching vehicle has passed the emergency vehicle or designated vehicle;

Mr. Chairperson: It has been moved by Mr. Eichler,

THAT–the amendment, the–*Clause 3(2) of the Bill be amended by replacing the proposed clauses 109.1(2.1)(a) and (b) with the following:*

(a) if the speed limit–

Some Honourable Members: Dispense.

Mr. Chairperson: Dispense.

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

Mr. Eichler: What this does is it ties the speed zone into other construction areas whereby the limits are set at 60 kilometres, so this brings us more into harmonization with the rest of the emergency laws that we have within the province of Manitoba. And, of course, whenever we're looking at safety, this is paramount that we have the same speed limit throughout the province. And we know that in any construction zone that we have now presently, those laws say 60 kilometres an hour. So we're asking that the bill be amended to include that so that we have a standardization within the province of Manitoba.

Mr. Cliff Cullen (Spruce Woods): I'm speaking in favour of this amendment as well. As the member for Lakeside pointed out, it would maybe standardize what's happening in Manitoba, but I think more importantly, as well, this would also standardize what I'm hearing is going on in other jurisdictions, as well.

So I know I've had consultation with a number of RCMP in my area, and certainly they're in favour of this legislation moving forward too. And their thought is that a standardized speed limit is easier to sell to the public, and they feel that, you know, in a lot of other provinces where this speed limit is in place, it's a standard 60 kilometres in other jurisdictions. And it's something that I think, as a Province, we can advertise that to the public when they're approaching emergency personnel, that 60 kilometres is certainly the speed limit I think we can sell that better to the public. And, hopefully it's something that will become standard not just in Manitoba but, as well, other drivers across other jurisdictions will recognize it.

Mr. Ashton: We did give considerable thought and did have several discussions about the setting of the speed limits. It's important to note that we–when we discuss this now, we are moving from move–slowing down, in the generic sense, to specific speed limits.

One of the difficulties that you have when you reduce speed in any situation–it applies here, it will apply with regulations that are put in place in terms of school zones–is not only the slowing down itself to a specific speed limit, but also the impact on other traffic is what does happen. It's no different in terms of fixed regulation of speeds. If you end up with a situation where you have–not a–you know, not a step-down element of speed, it could create a hazard in as of itself.

The intent of this is to recognize that there are very different scenarios in the slower speed areas rather than the more high speed areas. My concern in this particular case is that in urban areas it's not unreasonable to reduce speed limits beyond 40, and that's accomplished by the fact that if you're under 80 kilometres, that's the situation here.

***** (22:20)

So I certainly appreciate–and I know this is the approach in some other jurisdictions, and I do appreciate that the member has brought this in and given me notice of this. However, at this point, we believe this is the route to go. We will be putting in place a significant amount of public awareness. The member should know–and I'm not giving away the details yet; we'll announce the details soon–but on school zones there will be a similar approach, and this is based on, again, the advice of our traffic engineers.

So I appreciate that this is another approach. It's a very legitimate approach, so I'm not being critical of it. I think it's a useful discussion, but our preference would be to not move ahead with this amendment and move ahead with the original bill.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Mr. Chairperson: Amendment is not passed.

Voice Vote

Mr. Chairperson: All those in favour of clause 3–amendment–all those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed to the amendment, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, Nays have it.

*** * ***

Mr. Chairperson: Clause 3–pass; clause 4–pass; enacting clause–pass; title–pass. Bill be reported.

Now, we go to Bill 37.

Bill 37–The Emergency Measures Amendment Act

Mr. Chairperson: Now we are talking about Bill 37. Will the minister responsible for Bill 37 have an opening statement?

Hon. Steve Ashton (Minister responsible for Emergency Measures): I just want to preface this by indicating that there's a series of detailed amendments, but this results from our experience with recent emergencies, certainly the 2009, 2011 flood, and this reflects a pretty comprehensive review of the experience and the act.

Mr. Chairperson: We thank the minister.

Will the critic from the official opposition have an opening statement.

Mr. Ralph Eichler (Lakeside): No.

Mr. Chairperson: Thank the member for that.

Clauses 1 and 2–pass; clauses 3 to 7–pass; clause 8–pass; clause 9–pass; clause 10–pass; clause 11–pass; clauses 12 through 14–pass; clauses 15 and 16–pass; clause 17–pass; clauses 18 and 19–pass; enacting clause–pass; title–pass. Bill be reported.

Bill 34–The Property Registry Statutes Amendment Act

Mr. Chairperson: Now we are talking Bill 34.

Does the minister responsible for Bill 34 have an opening statement?

Hon. Stan Struthers (Minister of Finance): No.

Mr. Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement on this bill?

Mr. Cliff Cullen (Spruce Woods): No.

Mr. Chairperson: We thank the member.

Clauses 1 and 2–pass; clause 3–pass; clauses 4 and 5–pass; clauses 6 through 8–pass; clauses 9 through 13–pass; clauses 14 through 17–pass; clauses 18 through 20–pass; clauses 21 through 25–pass; clauses 26 through 32–pass; clauses 33 through

37–pass; clause 38–pass; clauses 39 through 42–pass; clauses 43 and 44–pass; clauses 45 through 47–pass; clause 48–pass; clause 49–pass; clause 50–pass; clauses 51 and 52–pass; clauses 53 through 58–pass; clauses 59 through 62–pass; clauses 63 and 64–pass; clauses 65 and 66–pass; clauses 67 through 70–pass; clauses 71 through 73–pass; clauses 74 and 75–pass; clauses 76 through 79–pass; clause 80–pass; schedule–pass; enacting clause–pass; title–pass. Bill be reported.

***** (22:30)

Bill 40–The Residential Tenancies Amendment Act

Mr. Chairperson: Bill 40 is under consideration.

Does the minister responsible for Bill 40 have an opening statement?

Hon. Jim Rondeau (Minister of Healthy Living, Seniors and Consumer Affairs): No, I don't.

Mr. Chairperson: Thank the minister.

Does the critic from official opposition have an opening statement?

Mr. Cliff Cullen (Spruce Woods): No.

Mr. Chairperson: Thank you. We thank the minister and thank the members.

Clauses 1 and 2–pass; clause 3–pass; clause 4–pass; clauses 5 through 8–pass.

Shall clauses 9 to 11 pass?

Some Honourable Members: Pass.

Mr. Rondeau: I have an amendment to clause 11, please.

Mr. Chairperson: Honourable minister has–shall clauses 9 and 10 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Honourable Minister.

Mr. Rondeau: Clause 9 and 10 shall accordingly pass.

Mr. Chairperson: Clause 9 and 10 are accordingly passed.

Shall clause 11 pass?

Mr. Rondeau: No. Mr. Chair, I have an amendment that's now been distributed. It's the amendment–is

*THAT Clause 11 of the Bill be amended in the proposed subsection 160.2(5) by striking out "*five*" and substituting "*seven*".*

Mr. Chairperson: It has been moved by the minister

*THAT the Clause 11 of the Bill be amended in the approved subsection 160.2(5) by striking out "*five*" and substituting "*seven*".*

If the amendment is in order, the floor is open for questions.

Mr. Rondeau: As you–we heard in the presentations, a lot of people talked about five days being a burden, and we thought, especially on the case of a long weekend, there might be difficulties. So we listened to the presentation and agreed–concurred–that seven days would be appropriate.

Mrs. Myrna Driedger (Charleswood): And I do support the minister's change because certainly the comments that were coming forward tonight certainly show the amount of challenges that the five days was creating. So I'm glad that he listened to this and did make that amendment.

Mr. Chairperson: Amendment–pass; clause 11 as amended–pass.

Shall clause 12 through 16 pass?

Mr. Rondeau: Mr. Chair, I have another amendment.

Mr. Chairperson: Which clause?

An Honourable Member: Clause 12.

Mr. Chairperson: There is an amendment in clause 12.

There is an amendment in clause 12, moved by Honourable Minister Rondeau

THAT the Clause 12 of the Bill be amended by striking out Clause 12(2).

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

Mr. Rondeau: This is exactly the same thing–doing the seven days, so it'll be a seven-day appeal period. We heard the reasons for it. We listened to the people who did the presentations. We agree with them. We think it's fair, so we're making that change.

Mr. Chairperson: So amendment is in order.

An Honourable Member: The amendment is

THAT Clause 12 of the Bill be amended by striking out Clause 12(2).

The amendment is in order.

Mr. Chairperson: The amendment is in order.

It has been moved by Minister Rondeau

THAT the Bill–Clause 12 be amended by striking out Clause 12(2).

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

I'm sorry that this is repeated. Yes, the member from Charleswood.

Mrs. Driedger: My question actually probably needed to be asked at some point a little bit earlier, but the question would be to the minister about the fact that there is no appeal from being evicted or 160.2(16).

Mr. Rondeau: What that means is there's a decision if they do not show up to the first hearing and there's a decision that there was no reason for them not to show up, there's no reason to appeal that decision at that point. And so, in other words, if they are supposed to show up to a hearing, they choose not to show up, they're allowed to come to the branch and come up with a reason why they didn't show up. If they have a reason why they did not show up, an appointment, medical or anything like that, then they will be given grounds to appeal. If they don't have a reason for not showing up and they just don't show up, then they won't be given a second chance to an appeal, and they won't be able to appeal the decision. Make sense?

Mr. Chairperson: Is the committee ready for any questions?

The question before the committee is that the amended–amendment of clause 12 as proposed by–moved by Honourable Minister Rondeau

THAT Clause 12 of the Bill be amended by striking out Clause 12(2).

Is the amendment in order?

Amendment–pass.

Clause 12 as amended–pass; clauses 13 through 16–pass, title–pass. Bill be reported.

***** (22:40)

Committee Substitution

Mr. Chairperson: Okay. I'd like to inform the committee there is a replacement, that Mr. Ewasko will be replacing Mr. Eichler for this particular evening.

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Mr. Chairperson: Now Bill 31 is under consideration.

Bill 31–The Workplace Safety and Health Amendment Act

Mr. Chairperson: The minister responsible for Bill 30 will have an opening statement?

Hon. Jennifer Howard (Minister of Family Services and Labour): Yes, very short. I just want to–we heard lots of good presentations tonight. I listened carefully to the second reading speeches by members of the opposition and there was a lot of talk in there about training and very good suggestions, and I just want to assure them, a lot of that's not in this bill. This bill is mostly about enforcement, but you will find a lot of that in the five-year plan.

And some of the things, I know, that were mentioned, I think, by Mr. Wishart, the idea of bringing training to places–and that's certainly part of the plan, is looking at mobile training labs, because we know the challenges of small employers and particularly employers outside big cities. So I just want to thank them for their input and just assure them that this bill is mostly about enforcement. But, certainly, we are on the path of more training and more prevention and more education, and you'll see that roll out over the next few years.

I will bring an amendment to rectify–I think we talked about it during the presentation, so look out for clause 17. I'll bring an amendment there.

Mr. Chairperson: Okay. Does the critic from the official opposition have an opening statement?

Mrs. Leanne Rowat (Riding Mountain): My opening comments are brief, as well. There are a number of things that we raised during debate with regard to concerns that were being shared by many stakeholders out there, and I appreciated today hearing, you know, more background on the significance of this bill and the importance of certain aspects of it. So I look forward to the–you know, the future, or the next four years, and how this will roll out and I look forward to continued debate on it.

Mr. Chairperson: We thank the member.

Clauses 1 and 2–pass; clauses 3 through 5–pass; clauses 6 through 8–pass; clause 9–pass; clauses 10 and 11–pass; clauses 12 and 13–pass.

Shall clause 14 pass?

Mrs. Rowat: Thank you, Mr. Chair.

THAT Clause 14(2) of the Bill be amended in the part of the proposed subsection 36(1.1) before clause (a) by adding "– but only if a second safety and health officer has visited at least one of those workplaces and agrees with the first officer's opinion about the imminent risk of serious physical or health injury –*" after "*the officer may*".*

Mr. Chairperson: It has been moved by Ms. Rowat

THAT–

An Honourable Member: Dispense.

Mr. Chairperson: Dispensed.

The amendment–if the amendment is in order, the floor is open for questions.

Mrs. Rowat: I'd just like to provide some background on that.

This amendment deals with the shutdown of multiple work locations. The amendment would require that, in order for multiple workplaces to be shut down, a second workplace safety and health officer must visit the site in question, or another work site operated by the employer, and concur with the opinion of the first officer that feels the system-wide shutdown is necessary.

So this amendment ensures that workers continue to be protected but also seeks to strike a balance to ensure that employers are given due consideration in the shutdown of their business.

Ms. Howard: Yes, I want to thank the member for bringing this forward.

This is a new thing in the act and it comes from experience–frankly, mainly, with the roofing industry, where every summer we put out a campaign about roofing. We find because of the nature of the business, as many small–usually many small contractors, throughout many places in the city, that we have found that it's not practical to inspect every workplace. And that usually when we go to one workplace with one company, and they're not using something like fall protection, our officers have–and have a reasonable belief that that's happening at many other places, instead of having to go visit each of those other places, if there's an imminent risk, that the officer can shut down until it's been addressed. And I think that's certainly the advice of our officers, that that's a tool that they need.

My concern with requiring a second opinion is the time that that would take. And, when we're dealing with a stop-work order, it is about a risk that is present and immediate.

So, with respect, this isn't an amendment that I would support today. It is something new and we're going to keep an eye on how it works, and always open to input from the industries that we affect. So, you know, I think if we hear that this is being used in a way that is causing kind of undue stress on those industries, then we'll take another look. But, at this point, I think, I'm satisfied that it should proceed the way it is.

***** (22:50)

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Mr. Chairperson: Amendment is accordingly not passed.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say aye?

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed to the amendment, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, Nays have it.

*** * ***

Mr. Chairperson: Clause 14 accordingly is passed.

Clauses 15 and 16–pass.

Shall clause 17 pass?

Some Honourable Members: No.

Ms. Howard: Yes, the amendment I have is

THAT Clause 17(5) of the Bill be amended by replacing the proposed subsection 40(13) with the following:

Training of committee members
40(13) The employer or prime contractor must ensure that committee members are trained to competently fulfill their duties as committee members.

Mr. Chairperson: It has been moved by Minister Howard

THAT Clause 17(5) of the Bill be amended by replacing the proposed subsection–

Some Honourable Members: Dispense.

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

Ms. Howard: Yes, this amendment and the next amendment I'm going to bring are both to deal with the issue–one of the issues that was raised tonight and was raised a while ago with us, that the intent of the clause in the bill was always that people be trained to fulfill the duties, and the way it was written it seemed to be–it gave some concern that it wasn't clear, that the role of the employer is to ensure that somebody can get the training. The role of the employer isn't to decide who is and who isn't qualified to be on a committee because those people are the representatives of the workers, and they are the ones that have the say. So this is just to–that was never the intent was to say the employer gets to decide, so this is just to make the intent clearer. We want people who are serving in this capacity to have the training to do so.

Mr. Chairperson: Amendment–pass.

Shall clause 17 as amended pass?

Some Honourable Members: No.

Mrs. Rowat: I move

THAT Clause 17(5) of the Bill be amended by replacing the proposed clause 40(11)(a) with the following:

(a) a reasonable amount of time be–to prepare for each committee meeting,

(i) as agreed upon by the employer and the member; or

(ii) in the absence of an agreement under subclause (i), as determined by the chief prevention officer after having reviewed information provided by the employer and the member about the respective positions on the matter;

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

Mrs. Rowat: Thanks. The amendment deals with time off for workplace, health and safety committee work. The amendment proposed by the government provides that workplace, health and safety committee members be provided with one hour or such longer period of time as the committee determines it's necessary to prepare for each committee meeting. It is the view of the opposition that committee preparation time is valuable but that the proposed scheme is too prescriptive.

What we would propose is a wording change that provides that a reasonable amount of time be made available to committee members for preparation and that this time period be agreed upon by both the employer and the employee.

If agreement cannot be reached, that the chief prevention officer decide upon a time period after considering the position of both employer and employee. This is more–a more flexible approach that we feel respects both the employers and the employees. Thank you.

Ms. Howard: Yes. Again, thanks for putting this amendment forward. I don't think ultimately it's workable. There are thousands of workplace, health and safety committees in the province with many members each, and I don't think the chief prevention officer is–we want their time to be focused on helping us achieve a prevention strategy, reporting on it, doing that kind of work–really not set up to be an arbitrator. I don't know–I have not heard, and maybe the members opposite have–I haven't heard this concern come in my meetings with employers or workers that the time taken for committees is being abused.

So, in my experience, that's not a concern that's raised. People on these committees take those committees seriously. They take the time they need to do it. The time provided I don't think is too generous or is too much of a burden on employers. So, with respect to the members opposite, we won't be supporting this amendment.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Chairperson: The amendment accordingly is not passed.

Clause 17, as amended earlier–pass.

Shall clause 18 pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

***** (23:00)

Mrs. Rowat: I move

THAT Clause 18(1) of the Bill be amended by striking out clause (a).

Mr. Chairperson: The amendment is in order.

The floor is open for questions–

It has been moved by Ms. Rowat

THAT the–

The–if the amendment is in order, the floor is open for questions.

Mrs. Rowat: The current workplace, health and safety act stipulates that employers must designate workplace, health and safety representatives at workplaces where health and safety committees are not required but where 10 or more people regularly work.

It is our position that this is a reasonable threshold for the appointment of a workplace safety–health and safety representative in a workplace.

The minister's proposing a reduction in this threshold to five. As I have said, we feel the current threshold is appropriate, so this amendment proposes to strike a lower threshold.

Ms. Howard: Yes, I–this–I did listen to the members opposite in their speeches. I know they had this as a concern.

I do want to just clarify for the committee that the recommendation to do this in the bill was a recommendation that came from the workplace advisory committee which is made up of employer and employee representatives. It was a consensus position of that committee to do this.

And I think part of that was because, as we heard earlier, part of the work that we are doing is also to try to build a safety culture in Manitoba. And, as we heard from a number of representatives today, engaging employees in the work of providing safer workplaces is key to that culture, and workplace, health and safety representatives and committees do that work. And so it's our view and I think it was the view of the advisory council that adding more workplaces to that provision, to that culture is part of it.

I also want to say, though, we also heard in our consultations pretty clearly from is particularly small businesses and medium-sized business who don't have the same resources as large corporations that they struggle to do all of the things that they're supposed to do, and we heard that. And we want to ultimately help people do the right thing, because I think most people–most employers want to do the right thing.

And so part of our strategy is also to find ways to help particular smaller businesses. Some of the ways we're looking at doing that is providing a one phone number for everything you need; information, to report accidents, to–or not accidents–to report hazards, everything so that it's not as confusing as it currently is.

We're also hoping to separate out the enforcement and the prevention mechanism. Something that we find is that although our officers are well trained to help businesses understand how to comply, the last person that a business often wants to call is the safety and health officer with questions. So we're hoping to provide more people who can do that, that aren't engaged in enforcement so businesses feel like we're more approachable to come with their problems.

So we get the needs to make it easier for people to comply, and we're committed to doing that.

Mr. Chairperson: The question before the committee is the amendment moved by Ms. Rowat,

Clause 18(1) of the Bill be amended by striking out clause (a).

Shall pass?

An Honourable Member: No.

Some Honourable Members: Pass.

Mr. Chairperson: No, it is not passed.

Voice Vote

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

Some Honourable Members: Aye.

Mr. Chairperson: All those in–opposed to, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, Nays have it.

*** * ***

Mr. Chairperson: Shall clause 18 pass?

Some Honourable Members: Yes.

An Honourable Member: No. I have another amendment.

An Honourable Member: And I have an amendment. And this is the last one.

Mrs. Rowat: I move

THAT Clause 18(2) of the Bill be amended in the proposed clause 41(6)(d) by adding ", as approved by the employer*" after "*regulations*".*

Mr. Chairperson: It has been moved by Ms. Rowat

THAT Clause 18(2)–

Some Honourable Members: Dispense.

Mr. Chairperson: Dispense.

The amendment is in order.

The floor is open for questions.

Question before the committee is–Ms. Rowat, sorry.

Mrs. Rowat: Thank you. This amendment concerns time off for workplace safety and health committee representatives. The focus of the amendment is on providing the employer the ability to balance requirements of a workplace health and safety committee work–and the work-related time requirements. As the minister was indicating earlier, smaller companies, smaller businesses will have, you know, issues in controlling or regulating the work-related time and the committee work.

The amendment proposes to allow such time as is necessary to carry out workplace health and safety-related work with the approval of one's employer. So, in keeping with the theme of balance on the part of employers and employees, we feel that this amendment strikes a fair balance in allowing for the work of health and safety committees to take place while also respecting normal business requirements.

Ms. Howard: Mr. Chair, this change is also a consensus position from the Advisory Council on Workplace Safety and Health, made up of representatives of employers and employees. And it's not much of a change from what currently exists, and what currently exists does not have a requirement that an employer sign off on time that a representative takes to perform their duties. What the change here really is, is laying out more specifically what the time is to be used for and includes time to prepare for committee meetings.

And, you know, as I've said, I think the vast, vast majority of employers want to do the right thing. But there are some employers who don't. And we heard tonight, and we've heard before, stories of employers who do thwart the efforts of the workplace, health and safety committee, that do intimidate employees who report hazards, who do encourage employees to not report injuries. And so my concern in this is that to give the power of an employer to decide whether or not a workplace health and safety representative gets to take the time required to participate in safety and health activities, is going to put–in those employ–in those workplaces where there isn't an issue, this probably wouldn't be a problem. But in those workplaces where we know we have employers who are actively thwarting the safety and health provisions, this would be a huge problem. And that's why we won't support it.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

***** (23:10)

Voice Vote

Mr. Chairperson: Those in favour of the amendment, say aye.

Some Honourable Members: Aye.

Mr. Chairperson: Those who are opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, Nays have it.

Shall clause 18–amendment accordingly is defeated.

*** * ***

Mr. Chairperson: Shall clause 18 pass?

Some Honourable Members: No.

Ms. Howard: Yes, I have an amendment. I move

THAT Clause 18(2) of the Bill be amended by replacing the proposed subsection 41(8) with the following:

Training of representative
41(8) The employer must ensure that the representative is trained to competently fulfill his or her duties as a representative.

Mr. Chairperson: It has been moved by honourable Ms. Howard

THAT Clause 18(2) of the Bill be amended by replacing the proposed subsection 41(8)–

An Honourable Member: Dispense.

Mr. Chairperson: Dispensed.

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

Ms. Howard: Yes, this is to do the same thing that the other amendment I moved did, just to clarify that the role of an employer is to ensure that training is provided to representatives to fulfill their duties.

Mr. Cliff Cullen (Spruce Woods): Maybe we need a little more clarification on this. In terms of the words competently fulfill his or her duties, is there some kind of a definition that employers can go by on that?

And then I suppose the second situation that could arise here is if something does arise, a situation does arise, and there's a–a situation happens, could the employer be held liable because, you know, because maybe that definition hasn't been fully explained or isn't available, and what are the repercussions to the employer? Is there something under the legislation that would, you know, impose a fine to the employer? What is the employer's liability here?

Ms. Howard: So I think it's important to know that when we talk about training in this respect, there is a provision in the act that clarifies that. What workplace health and safety representatives and committee members are entitled to is the equivalent of two days for training. So it can't be–it could be more than that if an employer agrees, but all an employer is obligated to is two days.

And, in terms of the content of that training, committee members can make recommendations about what kind of training they think they need. We have some resources through Workplace Safety and Health that talk about the kinds of training that committee members should expect to have. It's an area we want to develop further, because we know that this is an issue that's come up from employers, especially employers who will lay out money to private firms who provide training, and then they find out that actually the training they were provided doesn't comply with the act.

So it is an area for further development for us to help employers know what actually is the content of the training, but currently this is being done and hasn't caused a great deal of hardship that I'm aware of to employers. But there's not a risk here that an employee would say, I need six weeks of training, and the employer has to say yes. The employer's only obligated to give up to two days leave for training.

Mr. Ralph Eichler (Lakeside): Just for clarification again. The way the present clause reads is because of knowledge, training or experience, does this put the employee at risk in any way because of lack of knowledge, training or experience?

Ms. Howard: No. I think what–I think that the amendment is actually more defined than the current clause because what the amendment says is the employer's responsibility is to ensure that the representative can get the training they need. It's not their job. It's not their responsibility to ensure competency through, I don't know what, testing or interviews or whatever, which many employers maybe wouldn't have the expertise in and isn't really their role. Their role is to ensure training, and we do have courses that are provided both through Workplace Safety and Health. We also work with others to provide some core training on what is it, what are the duties of a member or what are the provisions of a committee member, what are the provisions of the act. And, beyond that, committee members can identify what kind of training they particularly need, because people who work in retail are going to need much different training than somebody who works in an industrial situation.

So I think that, you know, this is much clearer on what the employer's obligation is, and I think it actually, in my view, it makes an employer less liable because they don't have to ensure competency. They have to ensure that an employer can get the training they need to be competent.

Mrs. Rowat: I also have some concerns with regard to competency, and I–when I read it, I don't see it as being more of a setback or a concern for the employee over the employer.

And, with regard to private training, because that's what you had indicated that there's concern about, private training facilities, I know there's something. There's a company in Brandon that provides safety training, and I think one of the–what the concern they had was that Workers Compensation is trying to do the same type of training they are, and I'm wondering if that just sort of ties in somehow. If she would explain whether that is going to be the way they're–that this legislation is moving is that the government's going to be providing the training, and private industry that has been doing the training over the years is no longer going to be able to do that.

Ms. Howard: I don't think it's our intention to provide a lot of training. We do provide some and the Workers Compensation Board does provide some.

I think our intention is more to try to develop some guidelines, some system so that either private training can be certified or employers and workers have some way of knowing that, if I take this course from this organization, I'm going to know what I need to know to be in compliance with the law. Right now there really isn't a way to do that.

It's, you know, people have to be–if you go out and hire a private firm to do your workplace health and safety training, it's really up to you as a business owner to make sure that they are providing course materials that comply with the law, and most business owners don't have the time or expertise to do that.

So I don't know that we want to get into–much more into the training business than we already are. We provide some core training, but we do want employers and workers to know that when they are going–when they are purchasing a training program that that training program complies with the law, that the training that their employees are getting is actually going to be useful to them and be reflective of Manitoba legislation.

So–and it won't–it's not in legislation, and I don't even know if we would take a regulations approach or just try to provide some guidelines so when people are purchasing training they know what they're looking for, they know what they're getting.

Mr. Chairperson: Now, shall the amendment pass?

Some Honourable Members: Pass.

Mr. Chairperson: Amendment is accordingly passed.

An Honourable Member: No.

Mr. Chairperson: Oh, I hear a no.

Voice Vote

Mr. Chairperson: So those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: Those opposed to, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, Ayes have it.

Accordingly, the amendment is passed.

*** * ***

***** (23:20)

Mr. Chairperson: Clause 18 as amended–pass; clause 19–pass; clauses 20 to 22–pass; clauses 23 and 24–pass; clause 25–pass; clause 26–pass; clause 27–pass; enacting clause–pass; title–pass. Bill as amended be reported.

Ms. Howard: Yes, I just want to say one more thing. I was remiss earlier. I just wanted to thank Mr. Gaudreau, the member for St. Norbert, who worked on many of the consultations on workplace safety and health and whose good work is reflected in this bill, and I just want to thank him for his role in doing that.

Bill 40–The Residential Tenancies Amendment Act
(Continued)

Mr. Chairperson: Just to clarify, Bill 40, the amended–as amended, Bill 40 is passed, and shall the bill as amended be reported? *[Agreed]*

The bill shall be reported as amended.

Now we are looking at Bill 208.

Bill 208–The Universal Newborn Hearing Screening Act

Mr. Chairperson: The honourable member from Riding Mountain have an opening statement?

Mrs. Leanne Rowat (Riding Mountain): Briefly, I just want to thank all the individuals that came out tonight and presented. I agree that we did have a diverse group who play a role in different ways with the issue of hearing loss so I think that what we have before us is a bill that's great, that we're going now to–now going to be able to secure, you know, early detection and to ensure that every child has the opportunity to develop fully and to be able to go through life with as many opportunities as possible. So I just want to thank that–I do realize that there's going to be some time issues with regard to pulling into place a co-ordinated effort, and so I look forward to working on that timeline with the government, to ensure that 2016 we are in full swing and moving forward. Thank you.

Mr. Chairperson: We thank the member.

Does any other member wish to make an–any statement on this?

Hon. Jennifer Howard (Minister of Family Services and Labour): Yes, I just want to thank Mrs. Rowat. I also want to give due credit to Dr. Gerrard who has been championing this for a long time, and we heard that tonight from the presenters. This is a rare moment where we are pleased to all work together to do something good for kids and we should relish that I think.

Mr. Chairperson: Shall clause 1 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 1–

Some Honourable Members: No, no.

Mr. Chairperson: No? There is an amendment?

Mrs. Rowat: Moved by myself

*THAT Clause 6 of the Bill be amended by striking out "*the day it receives royal assent*" and substituting–[interjection]–*I'm reading the wrong one?

*THAT Clause 1(2) of the Bill be amended by striking out "*the most recent recommendations of the Canadian Working Group on Childhood Hearing with respect to infants*" and substituting–*in brackets*–"*the regulations*".*

Mr. Chairperson: It has been moved by Mrs. Rowat,

THAT Clause–

Some Honourable Members: Dispense.

Mr. Chairperson: Dispense.

The amendment is in order.

The floor is open for questions.

Mrs. Rowat: Thank you, and in discussions with the member for River Heights (Mr. Gerrard) and the government side, we want to see this accomplished, but we want to see it done properly as well. And–but time is of an essence to ensure that all children are screened.

So the following amendment is intended to help accomplish this and promote the highest standard of care. So this amendment is specific to, pertaining to–the Canadian Working Group on Childhood Hearing is currently the most comprehensive standard available when it comes to newborn screening, but it's imperative that the working group's recommendations be put into regulation as the Manitoba newborn hearing screening standards will be developed through regulations.

Mr. Chairperson: Thank you.

The question before the committee is, shall the amendment pass?

Amendment–pass.

Clause 1 as amended–pass; clause 2–pass; clause 3–pass.

Shall clause 4 pass?

Some Honourable Members: No.

Mrs. Rowat: I move

THAT Clause 4 of the Bill be replaced with the following:

Regulations
4 The Lieutenant Governor in Council may make regulations

(a) designating classes of person as health professionals for the purpose of the definition "health professional" in subsection 1(1);

(b) for the purpose of subsection 1(2), respecting the manner in which screenings for hearing loss must be conducted.

Mr. Chairperson: It has been moved by Mrs. Rowat–

Some Honourable Members: Dispense.

Mr. Chairperson: Dispense.

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

Mrs. Rowat: Thank you, and again this is an amendment that will help us accomplish the work that needs to be done and promote the highest standard of care. This amendment speaks specifically to the health professionals responsible for ensuring that infants screenings occur, as well as the manner that, and standard against which, the screening occurs, is made in regulation rather legislation.

Mr. Chairperson: Any other questions?

Amendment–pass.

Clause 4 as amended–pass; clause 5–pass.

Shall clause 6 pass?

***** (23:30)

Some Honourable Members: No.

Mrs. Rowat: I move

*THAT Clause 6 of the Bill be amended by striking out "*the day it receives royal assent*" and substituting "*September 1, 2016*".*

Mr. Chairperson: It has been moved by Mrs. Rowat

THAT–dispense?

An Honourable Member: Dispense.

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

Mrs. Rowat: This amendment will extend the enactment time so that proper provisions can be successfully put in place before the bill becomes law and parents and guardians can have the utmost confidence in that screen tests will be accessible every time they have requested them.

Mr. Chairperson: Amendment–pass.

Clause 6 as amended–pass; preamble–pass; enacting clause–pass; title–pass. Bill be reported, as amended.

We are discussing Bill 211.

Bill 211–The Personal Information Protection and Identity Theft Prevention Act

Mr. Chairperson: Does the bill sponsor, the honourable member from Lac du Bonnet, have an opening statement?

Mr. Wayne Ewasko (Lac du Bonnet): Yes, I do.

Mr. Chairperson: Please, go ahead.

Mr. Ewasko: First of all, I would like to thank Mr. Brian Bowman, a well-known privacy lawyer who assisted with the development of this bill way back in 2004. Secondly, to thank the hard work and persistence of the former MLA for Morris, Mavis Taillieu, who had attempted to bring this bill to finish for the past eight years.

When I took over as Culture, Heritage and Tourism critic, I strongly felt that Bill 211 should continue to attempt to move forward. BC, Alberta and Québec had already passed similar legislation. It was disheartening that this legislation was not passed. This bill goes beyond politics. It provides protection to individuals' personal information. Privacy is not only a legal right; it is a human right.

In the past, before this bill, there was a break of one–if there was a breach of one's privacy, there would have been no recourse for an individual in Manitoba. We all know that identity theft is a growing crime. In fact, on a daily basis, we hear more and more of those type of stories. This is another reason why I'm not sure what was stalling this Legislature–legislation, but, that being said, I am sure glad to see Bill 211, The Personal Information Protection and Identity Theft Prevention Act, pass to third reading.

Mr. Chairperson: We thank the member.

Does any other member wish to make any statement?

Hon. Jennifer Howard (Minister of Family Services and Labour): I want to congratulate the member for bringing this forward. The only thing we want to say about this bill, I believe it comes into force on a day to be fixed by proclamation and there's still a lot of work to do to ensure this bill can come into force, not the least of which is adequate consultation with businesses that are going to have to abide by this bill.

This bill does–is going to mean more regulations for those businesses, and so it's a worthy thing to do, but just want everybody to be aware that it's not going to come into force immediately.

Mr. Chairperson: We thank the minister.

Clause 1–pass; clause 2–pass; clauses 3 and 4–pass; clauses 5 and 6–pass; clauses 7 and 8–pass; clause 9–pass; clauses 10 and 11–pass; clauses 12 and 13–pass; clause 14–pass; clause 15–pass; clauses 16 and 17–pass; clause 18–pass; clauses 19 and 20–pass; clause 21–pass; clause 22–pass; clauses 23 and 24–pass; clauses 25 and 26–pass; clauses 27 and 28–pass; clauses 29 and 30–pass; clauses 31 and 32–pass; clauses 33 and 34–pass; clause 35–pass; clause 36–pass; clause 37–pass.

Shall clause 38 through 40 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 30 to 48–40 are accordingly passed.

Clause 41–pass; clause 42–pass; clauses 43 through 45–pass; table of contents–pass; enacting clause–pass; title–pass. Bill be reported.

The hour being 11:36, what is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise.

Now, before we rise, I'd like to say it's a happy birthday to Monique. We just saved two minutes before her birthday.

COMMITTEE ROSE AT: *11:36 p.m.*

WRITTEN SUBMISSIONS

RE: Bill 2

Dear Committee Members:

On behalf of the Association of Manitoba Municipalities (AMM), I would like to provide comments about Bill 2: The Highway Traffic Amendment Act (Respect for the Safety of Emergency and Enforcement Personnel).

Bill 2 extends authority to firefighters to direct traffic in emergencies or when traffic conditions require it if no police officer is present or if directed to do so by a police officer.

The AMM believes if municipal firefighters are expected to perform this provincial responsibility, full compensation must be provided by the Province of Manitoba. As well, the AMM is concerned the amendment dealing with traffic control authority may result in police officers not attending motor vehicle accidents or other incidents. Not only will this force municipal ratepayers to fund provincial policing responsibilities, it may also tie up firefighter resources in the event of another emergency call to the fire department.

Bill 2 also establishes additional safety measures for approaching or passing emergency and enforcement personnel and vehicles, and the AMM supports these amendments.

In the past, the AMM has lobbied for a maximum speed to be established in legislation for approaching or passing emergency vehicles. Although The Highway Traffic Act currently requires a motorist to reduce their speed, the additional requirements in the amendment will help to ensure motorists reduce their speed significantly when they overtake emergency and enforcement vehicles.

In order to ensure these reduced speed limits and additional precautionary requirements are adhered to, the AMM suggests the Province of Manitoba take measures to increase public awareness of the need to slow down when paramedics, firefighters, police officers, and other personnel are at work.

Thank you for your consideration.

Sincerely,
Doug Dobrowolski
President

*** * ***

RE: Bill 31

Bill 31 – The Workplace Safety and Health Amendment Act

A small business perspective

Ben Kolisnyk, Policy Analyst, Prairie

On behalf of the Canadian Federation of Independent Business (CFIB) and our 4,800 members in Manitoba, thank you for the opportunity to share our members' views on Bill 31, The Workplace Safety & Health Amendment Act.

By way of background, the Canadian Federation of Independent Business (CFIB) is a non-partisan, not for-profit, political action organization. We are dedicated to giving independent businesses a greater voice at all levels of government on important issues like taxation, regulation, and labour, among others. With 109,000 members across the country, the small- and medium-sized businesses that we represent are located in all regions and with diversity in activity that closely parallels our national and provincial economies. CFIB is funded solely by our members' voluntary annual membership. All major CFIB policy positions are set by surveys of our members in a one member-one vote system.

Understanding small business

Before delving into the specifics, it is important to paint a picture of Manitoba's small business community, which should assist the Committee in understanding the impact of this Act on small businesses.

- Most Manitoba businesses are small:
  - 98 per cent of all businesses in Manitoba have fewer than 50 employees – the traditional definition of a small business;
  - 72 per cent of Manitoba businesses employ fewer than 10 employees.
- A majority of Manitobans work for a small- or medium-sized business:
  - 29 per cent of employed Manitobans have a job in a small business, while another 23 per cent work for a medium-sized business.

Indeed, small business is big business in Manitoba. Aside from their economic contributions, small businesses are also massive contributors to community and charitable causes throughout the province.

CFIB research on workers' compensation/health & safety issues

In late 2011, CFIB released a major national study comparing all the workers' compensation systems across the country through the lens of a small business owner. CFIB carried out this study because our members care very much about workplace safety, and want to ensure that WCB's and WS&H systems make sense for small businesses. The study examined 35 different indicators within seven key themes:

- ☐ Cost of premiums
- ☐ Claims management
- ☐ Experience rating
- ☐ Classification and assessment
- ☐ Coverage
- ☐ Long-term financial sustainability
- ☐ Customer service

Some of the indicators were based on results of a special survey of our members on workers compensation issues – a survey which received nearly 11,000 responses across Canada, including 415 in Manitoba. Other indicators are based on external data such as frequency of lost time claims, years to obtain experience rating, etc. An index approach was used to measure and score the best and worst aspects of the boards in these seven areas. Based on these scores, an overall index score was assigned to each board.

Overall Index Scores, Workers' Compensation Boards (10 is best; 0 is worst

Best (10)

Worst (0)

Overall Index Scores / Cost of Premiums / Claims Management / Experience Rating / Classification and Assessment / Coverage / Long-Term Financial Sustainability / Customer Service

PEI	6.9	6.5	8.0	3.9	7.9
	7.3	10.0	5.5		
NB	6.4	5.0	4.2	8.6	7.7
	6.8	10.0	6.4		
BC	6.3	7.6	6.1	9.4	4.9
	1.3	8.3	2.5		
NS	5.9	5.8	6.5	7.4	5.8
	7.8	2.0	4.2		
AB	5.7	8.6	4.8	4.4	3.9
	3.6	7.7	3.8		
SK	5.6	7.2	5.5	4.0	4.2
	3.0	9.4	4.4		
NL	5.2	4.4	5.0	6.7	3.4
	5.3	8.2	5.2		
MB	5.2	7.1	4.0	6.8	2.0
	1.7	9.4	2.6		
QC	4.0	3.1	5.0	1.8	5.0
	1.5	4.8	9.4		
ON	4.0	6.5	5.3	1.4	3.9
	4.4	0.0	1.0		

Clearly, there are some areas where Manitoba fared very well; particularly, cost of premiums, experience rating, and long-term financial sustainability. However, there are other areas where Manitoba's workers compensation system needs improvement: coverage, customer service, classification and assessment, as well as claims management.

In addition to surveying, we have two other important approaches to stay in contact with our members. The first is through our team of District Managers. Every one of our 109,000 members across the country is renewed in person at their place of business by a District Manager. In addition, all members have access to a Business Counsellor – someone they can call for practical information on running their business and complying with government rules and regulations. Through surveys and interactions with CFIB District Managers and Business Counsellors, CFIB is able to stay very well connected to its small business members which helps the Federation better understand the key issues they struggle with. As such, we offer the following feedback on The Workplace Safety & Health Amendment Act.

Bill 31 – The Workplace Safety and Health Amendment Act

While we understand the importance of working collaboratively to reduce the accident and injury rate

in Manitoba, we must realize that small businesses are not the ones driving Manitoba's high accident and injury rates. In fact, because small businesses experience a workplace accident once every ten years on average, the amendments in this Bill needlessly impact small businesses. To be clear, CFIB members take workplace health and safety very seriously, but we view some of the amendments to the Act as unnecessary.

It is important to state that Manitoba small business owners are committed to providing their employees with a safe workplace. As you may know, many small business owners and their immediate family work side-by-side with their employees on a daily basis. It is in their best interest to provide a safe and healthy work environment. While workplace safety is paramount, they do not support onerous new laws that will only increase red tape with no practical effect. Instead, CFIB members are very supportive of constructive measures that will actually improve safety. Another layer of red tape is not a solution to prevent injuries; targeted promotion and education about workplace safety is.

As outlined below, there are other ways to ensure workplace safety and health remains a top priority, such as strengthening the onus on employees to work safely, introducing an employer advocate, improving advice on promoting safety and health, and numerous other approaches that do not create or add to the regulatory burden.

New grounds for stop work orders

One particularly concerning amendment would allow for a stop-work order to be put in place for any employer whose activities at multiple workplaces involves, or is likely to involve, imminent risk. To be clear, stop work orders can be an effective tool in the cases of gross misconduct and where there is extreme risk to employee health and safety. However, some features of this amendment are problematic, particularly with the inspector's ability to shut down an employer's other place(s) of business if it is deemed there is risk of serious injury. We also worry about the subjectivity some inspectors may use in issuing a stop work order. Our members consistently tell us that improvement orders and the application of the Act depend largely on which inspector our members are dealing with on that particular day. What measures will be in place to ensure consistency across the board in terms of applying such stop work orders? Will inspectors physically inspect the other workplaces before ordering them to be vacated? Unless documentation outlining the reason for multiple workplaces to be shut down is produced we view this amendment as an unnecessary intrusion into our members' businesses.

Appointment of a Chief Prevention Officer

In the case of the appointment of a new Chief Prevention Officer, CFIB would like to raise several points:

☐ It is our understanding that part of the Chief Prevention Officer's role would be to compile workplace injury data, statistics and key performance indicators. Although we value data on the components of Manitoba's injury rate as part of the strategy to improve workplace safety and health, we are concerned that this would be duplicating the role of the WCB since such data is readily available to the Board.

☐ However, if this position is deemed necessary, much like CFIB's recommendation for WCB and WS&H frontline staff as outlined below, we hope the Chief Prevention Officer would receive small business sensitivity training to ensure that his/her awareness of the issues and recommendations to the Minister take into account the realities of Manitoba's smaller workplaces.

Reducing the number of employees required to mandate a worker safety and health representative

As noted above, most Manitoba businesses are small. In fact, nearly 17 per cent of Manitoba businesses have between 5 and 19 employees.1 As such, reducing the number of employees required to mandate a worker safety and health representative from 10 or more to 5 or more will have a major impact on many Manitoba firms. Given that the injury rate in small businesses is very low compared to larger businesses we question the rationale for this change.

We worry this measure will add significant administrative burden to businesses with five or more employees since these employers will now need to identify an employee representative, pay to have them trained and go without said employee during this period. Since the employee representative is guaranteed time off to prepare for meetings, with such few employees this can severely impact an employer's resources. This would also be very burdensome to small businesses in terms of having to pay overtime or hire new employees, or even closing down periodically, and possibly have the reverse

effect of endangering safety where employers are forced to operate with fewer employees.

Expanding administrative penalties and strengthening enforcement

CFIB is firmly against a 'command and control' approach to workplace safety and instead encourages education and assistance for small employers and employees, as well as a greater awareness among inspectors and officials of the realities of running a small business. In recent years we have heard many complaints from our members regarding WCB and WS&H campaigns which put the onus solely on employers rather than both employers and employees working collaboratively in guaranteeing workplace safety.

Similarly, expanding administrative penalties and strengthening enforcement, while appropriate for repeat offenders and severe infractions, is not the best way to encourage workplace safety in smaller workplaces where accidents are rare. As always, we encourage reasonable penalties which are consistent with the infraction and enforcement as a final means where other avenues have failed. CFIB firmly believes that consideration must be given to the size of the firm when deciding the amount of the fine.

Alternative approaches

In light of these concerns, CFIB feels it is important to offer alternative solutions to achieve the mutually desired outcome of enhancing workplace safety and health in Manitoba.

Strengthen onus on employees to work safely

CFIB members believe that employers play a critical role in safety. In fact, employers have the most important role. But it is also important that workers bear an appropriate level of responsibility. We often hear stories from firms who are frustrated that although they provide safety equipment, training, and clear expectations for its use to staff, they are still responsible for improvement or stop work orders if employees choose not to use the safety equipment or procedures . Further, employers are responsible to continue paying the workers during a stop work order – even if it was the employee's fault.

1 Statistics Canada, Business Register, December 2011.

System needs to change so the government can fine individual workers, and not just the employers. Speeding tickets in work vehicles are employees' responsibility, so why not WS&H infractions too?... Issues that needs addressing are: that being that a Stop Work Order states that employees are to be paid for the period of time the jobsite is shut down. There should be a clause that states 'unless the employee(s) is under company discipline' or some such wording.

Construction, Winnipeg, 28-year CFIB member

My main concern with workplace health and safety, is that it places no responsibility on the employee… Manufacturing, Rural Manitoba, 24-year CFIB member

Introduce an employer advocate

The reality is that smaller firms do not have HR departments – that role usually rests on the owner. Further, given that accidents in smaller firms are much rarer it can be difficult for employers to navigate the workers compensation system. That's where an Employer Advocate or Advisor can be very helpful to smaller firms. Their role is to provide one-on-one confidential assistance and advice without a direct fee to employers on issues like claims management or appeals. While Manitoba employees have access to free assistance through the Worker Advisor Office, employers do not. All provinces except for Alberta, Saskatchewan, Quebec and Manitoba offer this service to employers. Our goal in this recommendation is not to diminish the important role that private operators play in providing WCB advocacy; however, this service would be particularly targeted at smaller firms that have injuries infrequently.

Should there be interest in this approach, we would direct the Committee to the recently created Office of the Employer Advisor in Nova Scotia. More details can be found at:
http://www.oeanovascotia.org/.
Nova Scotia used a creative approach to involve stakeholders in the selection and training of the Employer Advisor. CFIB would be pleased to participate in a similar initiative for Manitoba.

From an owners perspective: While the WCB may have all of the knowledge to handle an appeal, the owner does not and as a result finds themselves in unfamiliar territory, with no one to guide them through the process. It is very daunting and time consuming and as a result, when you should be appealing, you decide it will be too much of a hassle to go through, and you don't do it.

Manufacturing, Winnipeg, 17-year CFIB member

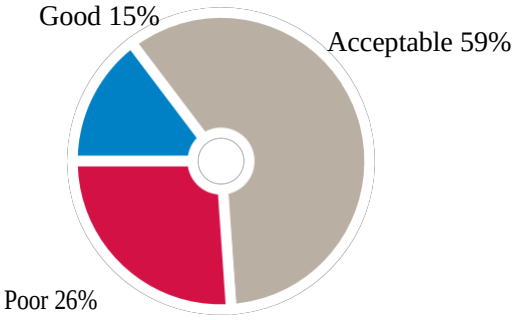
Improve advice on promoting safety & health

Promoting safety and health is important in changing or enhancing the culture in the workplace to one that values safe work practices by both the employer and the employee. In our recent WCB study, CFIB asked

our members to rate the board's advice on promoting safety and health in the workplace. Interestingly, a quarter of respondents in Manitoba cited that the WCB does a 'poor' job (Figure 1). Aside from Ontario, Manitoba respondents were the least likely to rate the advice as 'good'. Complete data and provincial comparisons are available in the appendix on pages 38-44 of our report, included with this submission and available online at www.cfib.ca.

Figure 1:

Advice on promoting safety and health (% response)



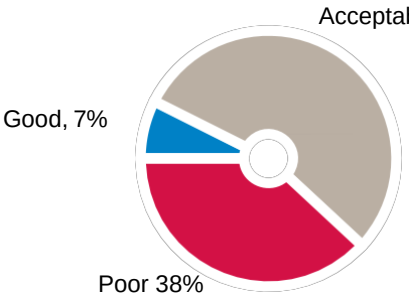
Source: CFIB Point of View: Workers' Compensation, June 2010, Manitoba respondents

Improve assistance with back-to-work transition

Bringing an injured employee back into the workplace can be challenging in smaller firms where roles are limited. We often hear from business owners that WCB staff doesn't seem to recognize the unique reality of small firms in this regard. In fact, according to our WCB survey, Manitoba had the highest number of respondents citing 'poor' for this indicator in the country.

Figure 2:

Assistance with back-to-work transition for injured employees



Source: CFIB Point of View: Workers' Compensation, June 2010, Manitoba respondents

Give small business sensitive training to front line WCB and WS&H staff

As noted previously, one of the themes in our WCB report was around customer service. We asked specific questions about our members' overall ratings of:

☐ Staff (accessibility, knowledge and professionalism)

☐ Responses (promptness, clarity, accuracy, consistency, willingness to answer)

☐ Change in service and understandability

☐ Compliance burden (readability/simplicity of forms and invoices, amount of time required to deal with requirements, process for issuing clearance certificates)

☐ Website (user friendliness and availability of information)

☐Appeals process

In the appendix of our report (pages 38-44), you'll find the Manitoba data for all these questions, but the general point is that Manitoba did not score very well. In fact, Manitoba scored near the bottom–ahead of only Ontario and British Columbia on customer service indicators. To improve these figures, we encourage WCB and WS&H front line staff to receive small business training. If staff better understood the realities of running a small business, the working relationship will be stronger. On this matter, CFIB would be pleased to participate in delivering this training. For example, we have previously done sessions with CRA auditors titled "A day in the life of a small business" to help foster a better working relationship.

We have had several Safety officers from WH&S come through our shop, they all have a different slant on what they think are issues.

Manufacturing, Winnipeg, 2-year CFIB member

Ensure experience rating continues to recognize small business

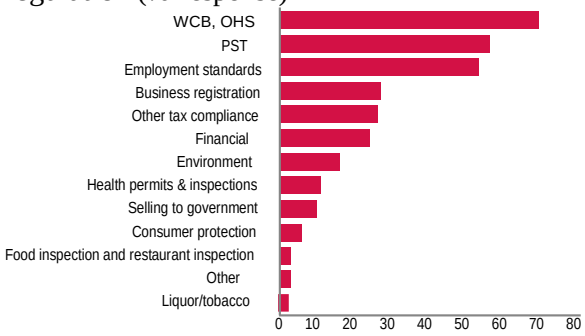
Experience rating is a system that takes into account a firm's history of claims when determining a firm's annual WCB assessment. The basic principle is that an employer with a history of workplace accidents should face higher assessments and that it would be a motivator to improve performance. We're pleased that small firms in Manitoba are eligible for experience rating and that firms can enter the program quickly. In other provinces you have to wait several years to qualify for experience rating. We hope this approach will continue.

Less government red tape

In 2013, CFIB released our third major study on government regulation and its impact on Canadian businesses. The research found that complying with regulation and paperwork from all levels of government costs Canadian businesses a staggering $31 billion each year. When asked about the most burdensome provincial regulation, small business owners pointed to workers' compensation/workplace safety and health and PST requirements, followed by Employment Standards.

Figure 3:

WCB, OH&S most burdensome provincial regulation (% response)



Source: CFIB Survey on Regulation and Paperburden 2012,Manitoba respondents

To improve the situation, we're not talking about getting rid of essential safety and health regulations. We're talking about getting rid of unnecessary red tape. In other words, how can we improve the administration of the regulations? Part of that has to do with improved customer service, but other practical suggestions to move from red tape to 'smart tape' include things like:

☐ Ensuring adequate communication of existing and proposed rules in plain language.

☐ Carefully considering the impact of new regulations on small business and ensure that procedures are easy to implement.

☐ Keeping compliance flexible and provide basic examples of what constitutes compliance and non-compliance. For example, providing policy templates.

I don't feel the business community is part of the dialogue with government on this topic. Inspectors will say something is not right, but not offer any suggestions of how to make it right.

Construction, Rural Manitoba, 26-year CFIB member

Advise employers of legislation changes well in advance of when they are implemented. In fact ask our advice and opinions before passing legislation. It seems that the only ones driving the workplace bus are the unions. We frequently only find out that we are "delinquent" when an officer comes in and writes us up. We are business owners and managers trying desperately to stay alive. We cannot possibly monitor and interpret all of the legislation that spews out of Broadway, trying to decipher if it applies to us and how.

Manufacturing, Winnipeg, 13-year CFIB member

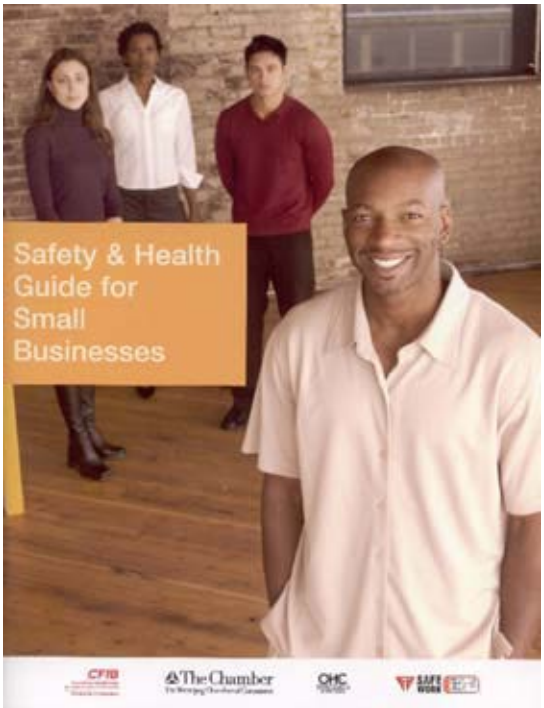
For our part, CFIB actively encourages our members to comply with workplace safety and health rules and provides our members the tools to make compliance an easier task. Several years ago we worked together with the WCB, WS&H, and other stakeholders to produce a guide for small firms to understand and comply with their requirements under the Act and Regulations. Recently, CFIB also collaborated on a similar guide specific to Manitoba farms.

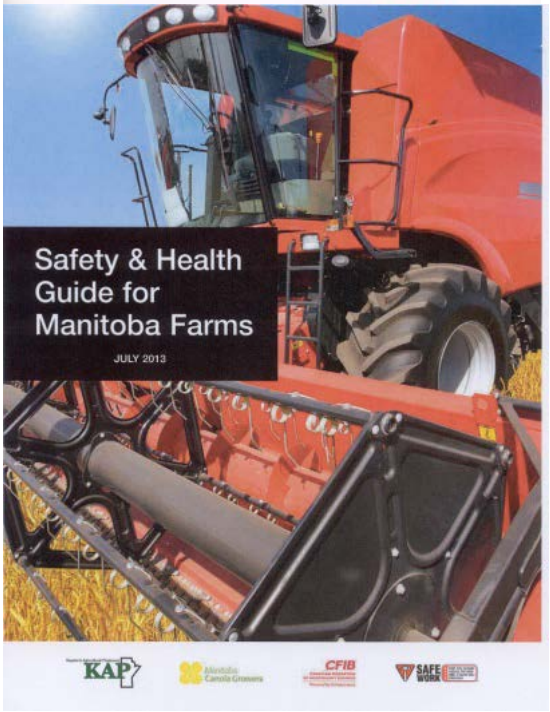
We also worked with the province to create a handout to help firms with over 20 employees understand their requirements under the Act: 1) Workplace safety and health committee, and 2) Written safety & health program. We created templates for the written program to help make compliance much simpler for our members. Any efforts to produce more tools tailored to small business that will help them not only comply with the requirements, but generally promote safety and health would be appreciated.

Conclusion

In the last year there have been multiple reviews related to WCB and WS&H. While this is certainly a very important issue, we're concerned about the duplication of efforts. In all of these reviews, we've been talking about similar issues from the small business perspective. Overall, CFIB opposes a 'command and control' approach and instead supports the promotion of voluntary measures and a focus on awareness, education and prevention. Unfortunately, the amendments currently outlined in Bill 31 will only increase unnecessary red tape for small business owners with no practical effect. We are also disappointed the Bill places no responsibility on the employee to work more collaboratively with employers to strive towards workplace safety.

Despite making small business concerns very clear in all of these reviews, we are disappointed the emergent legislation has not incorporated these concerns. We sincerely hope that the Committee on Bill 31 takes the views/concerns of Manitoba small business owners into serious consideration in its review of this legislation.





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RE: Bill 34

Peter Currie

Director, of the Ontario Association of Professional Searchers of Record (OAPSOR) Submission with regard to Bill 34

I have attached to this letter a report I have sent to the Ontario Auditor General that illustrates that the arrangement between Ontario and Teranet is a disaster.

I direct the committee directly to page 4 of those submissions as a comparative pricing system with all real property systems in Canada should give any responsible public official grave concerns. A review of those prices shows that no other province comes close to Ontario in terms of pricing. Why the Manitoba government has chosen the most expensive system in Canada makes no sense when there are systems that cost the taxpayer a fraction of the cost to access.

The Ontario public has been delivered as a captive user that can be gouged. The discussion on the" extra page charges" in the attached report clearly illustrates that private actor profits before good public policy considerations has been the approach in Ontario. The types of problems associated with monopolies have come to the fore and the Ontario taxpayer has been victimized.

This is not to say one is for or against private/public partnerships, but rather that Teranet when compared to BC On-line, a private partner, ($1.50 in BC (BC-Online makes a profit) compared to $20 +) must give one pause for consideration. Teranet is an example of a private/public partnership done very badly. The Manitoba government's announcement that it will control the pricing of Teranet is eerily reminiscent of what the Ontario government promised. An empty promise.

You may have heard that government here in Ontario received a billion dollars for a 50 year contract. The Ontario Auditor General's report of 2000 reveals that Teranet was 700 million dollars over its projected budget and the report estimated that in order to complete the project the total cost overrun would be a billion dollars. The Ontario Auditor General offices confirmed the public paid for that billion dollar overrun. If you look at the facts in their totality it is very clear that when Ontario received 1 billion dollars for a 50 year contract with Teranet, that the taxpayer in Ontario, who paid for the conversion, received nothing. The claim that Ontario received

money in this deal is patently untrue, when one does the simple accounting. The interest on the billion dollar cost over run puts the taxpayer in the hole.

Does the Manitoba deal ensure every penny in cost overruns will be picked up by Teranet? What will be the pricing they require? Are all those details in front of this committee now? And if not why not?

The Manitoba government could hire a company to update its system and keep the profits for itself. A fully functional database gives the rise to all sorts of new products that the Manitoba government could offer to its citizens.

Why give that new found power to Teranet, and why allow them to reap the awards and if the pricing in Ontario is anything to go by, why allow them to charge prices that are unjustifiable, prices that reflect its monopoly position?

The bureaucrats at the Ministry of Government Services (MGS) were asked by a colleague of mine about this unjustifiable pricing and one official responded what difference does it makes if a person pays an extra hundred dollars per real estate closing. That non-responsive retort revealed several things. The MGS has no idea what real estate records are used for by the public on a daily basis. The MGS official failed to ask himself the following questions. Who was he working for, Teranet or the people who pay his salary, the taxpayer, and secondly, he failed to respond to why does the pricing not reflect what the service is worth, and as the government is in charge of the pricing why would he have given such an unacceptable, shocking in fact, response.

Any argument made that the private sector is more efficient is quickly belied as the arrangement is to create a monopoly. Doesn't efficiency suggest the price goes down, not triple. Without competition it's obtuse to call this privatization, as competition breeds efficiency and competitive pricing. An open system with multiple competitors keeps the price down. A monopoly is the public worst nightmare; a bureaucracy that answers to no one. Fees are based on Teranet's desired profits not good public policy or what value was added.

Does the Manitoba government understand the role information databases like the real property database play in the pursuit of justice and the enforcement of the rule of law in a just society? Everyday litigation requires that one undertaken investigations in the discovery of assets for a multitude of purposes, to name a few, spouses left destitute, consumers (judgment creditors) left penniless or even commercial lenders who need to recover assets? When reviewing a database that is overly expensive many can not seek remedies by using their public database, as Teranet profits have superseded the public's right to access to justice. A bank can afford to access the database but when its costs triple we all know who pays; its customers, taxpayers.

Converting the system in house and raising the price to reflect same rather then washing ones hands of the system and allowing a monopoly to triple the cost represents the public interest. A government that washes its hands of its duties as guardian/trustee of the public database is a government that has lost its way. In Ontario the MGS dares to call this respect for the taxpayer. Its position can not withstand any scrutiny of the facts. Delivering unsuspecting Ontarians as a captive user base into Teranet outrageous pricing scheme is to have no respect for the taxpayer whatsoever, when there are good systems in Canada that cost a fraction of the amount to the end user.

Once a database is created the ability to search in new ways to assist the people of Manitoba with its information is lost once it is behind Teranet's private firewall. Teranet claims intellectual property rights in its disclaimer that every user is forced to accept. It's a public database and there is nothing intellectual about using a modern database but the cost of challenging this legally untenable position is impossible for the average user.

What is lost is the massive opportunity for the public database to generate more revenues for the owners of the public database, the taxpayer. Now that modern technology is here there are those who see a licence to print money, free of competition. That has happened in Ontario. It is the duty of any government to put the people first and resist the efforts of those seeking to convert a public database as its own profit centre.

The real property database is part of the infrastructure. This is an infrastructure power play.

The deal in Ontario makes no sense. The government has worked tirelessly to enrich a private actor and has delivered the captive user base into its arms. Using the database is not an option. In real estate, litigation, environment assessment, etc… one has no choice but to use the database. This deal cost Ontarians dearly and now that the deal didn't work out like the bureaucracy thought it might they now want to close the registry offices, which effectively

forces people into the hands of professionals with even higher costs.

If the Manitoba government truly respects the taxpayer:

It will not enter into this agreement unless the cost of converting the system is a hard cost with all cost over runs to be taken on by Teranet, not the taxpayer.

The cost to be charged to the end user should be set now, with a view to access to justice, rule of law, not the private actor's shareholder (Ontario Teachers Union-OMERS) profits. The notion that the government controls the pricing certainly was irrelevant in Ontario.

In Ontario those important details were not ironed out before the deal. They all came as an unpleasant surprise after the fact. If those details as well as many others have not been ironed out then the Manitoba government has not done its due diligence and has not served its public well.

Peter Currie

* * *

RE: Bill 37

Dear Committee Members:

On behalf of the Association of Manitoba Municipalities (AMM), I would like to provide comments about Bill 37: The Emergency Measures Amendment Act.

As the organization representing all Manitoba municipalities, the AMM identifies and addresses the needs and concerns of its members in order to achieve strong and effective municipal government.

The AMM supports several of the changes to emergency procedures affecting municipalities proposed under Bill 37. The AMM supports the proposal to remove the power of local authorities to issue emergency prevention orders. The AMM also supports the proposal indicating a state of local emergency will be in effect for 30 days instead of 14.

The AMM is pleased Bill 37 includes a provision that will enable municipalities to levy for emergency management services as a special service under section 312 of The Municipal Act. This will give municipalities an additional taxation tool to fund ongoing emergency management services. Existing provisions of the special service framework would still apply to special service levies for emergency management services. Nevertheless, municipalities will benefit from increased flexibility in terms of what services they can levy for, as they will continue to have the power to fund emergency management services through general taxation.

Finally, Bill 37 includes provisions to clarify powers of provincial and local authorities to issue mandatory evacuation, and including the powers of peace officers. It is important for municipalities to be part of the process, regardless of whether the order is made by the Province or the local authority. Municipal officials are the most familiar with their residents, and should be involved if any issues with their residents arise.

The AMM hopes the provisions in Bill 37 will provide another option for local authorities to use throughout the process of evacuation in an emergency, and address the issue of a person refusing to comply with an evacuation order issued under a state of local emergency. The AMM also hopes this option can be used in a respectful manner by municipal officials who know their local communities the best. As well, to avoid confusion, the municipality should be the final authority on municipal mandatory evacuation orders.

It is important to ensure the safety of first responders and rescue professionals as much as possible in risky situations. However, since emergencies and disasters can be very traumatic, the AMM encourages those carrying out the evacuation process to use reason and persuasion wherever possible. Involving the police to force someone to evacuate should only be used as a last resort.

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

Sincerely,

ORIGINAL SIGNED BY
Doug Dobrowolski
President

* * *

RE: Bill 37

Committee Chair and Members,

Re: Bill 37, The Emergency Measures Amendment Act

The Emergency Measures Act is an increasingly antiquated piece of legislation which is long overdue for a complete revision. The Bill you are considering is simply tinkering and does not address the two main problems with the existing legislation. I realize

that at this stage in the process the Bill will not see the wide ranging changes that are required but I am taking this opportunity to encourage you to ask for completely new emergency management legislation for Manitoba.

The Emergency Measures Act is rooted in a cold war civil defence mentality that does not reflect the current research or best practices. The two fundamental problems are the focus on response and the lack of coordination of emergency powers within Manitoba's legislation. These problems are too entwined in the Act to remove through amendments. The best solution is the introduction of new emergency management legislation. In fact I recommend creating two new pieces of legislation in the same manner as the federal legislation deals with this issue.

The first piece of new legislation should be an Emergency Management Act that outlines the comprehensive responsibilities of Manitoba EMO, provincial departments, municipalities, the private sector and the public. Comprehensive emergency management responsibilities encompass hazard mitigation and prevention, preparedness, response and recovery. This is clearly articulated in the 2011 F/P/T document An Emergency Management Framework for Canada (Second Edition) that was agreed to by all the Ministers responsible for emergency management. Such an Emergency Management Act would help Manitoba be better prepared and would be a step towards meeting the Canadian Standard Association's Z1600 Standard on Emergency and Continuity Management. The inclusion of mitigation and recovery planning is especially needed.

The Emergency Measures Act sets out powers that the Minister and local authorities can use in declared emergencies. There are, however, several other Acts in Manitoba that give very similar special powers to provincial employees and others under certain emergency circumstances (e.g. Fires Prevention and Emergency Response Act, The Wildfires Act, The Dangerous Goods Handling and Transportation Act, The Environment Act, and the Public Health Act). There is no coordination between these Act and the powers they provide. A new Emergency Powers Act could consolidate these special powers while providing the much need protection of civil and human rights that is not clearly articulated in the current legislation. These other Acts could then be amended so responders and the public would know what powers were available in an emergency regardless of the type of impact or the jurisdiction within Manitoba.

Keeping citizens safe is a priority of this and every good government. The current Emergency Measures Act, even with the amendments proposed in Bill 37, is not sufficient. A comprehensive review, with appropriate public and professional consultation conducted in an open and timely manner, is urgently required. After the tragic events of September 11, 2001 there was an opportunity to revise the legislation but all that happened was another round of minor adjustments. During those committee hearings the Canadian Emergency Preparedness Association, the profession association in Canada at the time, called for a complete review. Now, over a decade later and after dozens of emergency declarations, the need is far greater. Please give the citizens of Manitoba the security and peace they deserve by crafting new emergency management legislation.

Thank you for your consideration and for your service to our communities.

Sincerely

John Lindsay, M.C.P.
Associate Professor
Applied Disaster and Emergency Studies
Brandon University