

First Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

*Published under the
authority of
The Honourable Myrna Driedger
Speaker*

Vol. LXIX No. 43A - 10 a.m., Thursday, October 13, 2016

ISSN 0542-5492

MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

Member	Constituency	Political Affiliation
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
CHIEF, Kevin	Point Douglas	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
CURRY, Nic	Kildonan	PC
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FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GRAYDON, Clifford	Emerson	PC
GUILLEMARD, Sarah	Fort Richmond	PC
HELWER, Reg	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
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JOHNSTON, Scott	St. James	PC
KINEW, Wab	Fort Rouge	NDP
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MALOWAY, Jim	Elmwood	NDP
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WISHART, Ian, Hon.	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC
YAKIMOSKI, Blair	Transcona	PC

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, October 13, 2016

The House met at 10 a.m.

Madam Speaker: O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom and know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

Please be seated.

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

House Business

Mr. Jim Maloway (Official Opposition House Leader): Pursuant to rule 33(8), I'm announcing that the private member's resolution be considered next Thursday, will be one put forward by the honourable member for Fort Garry-Riverview (Mr. Allum). The title of the resolution is Provincial Anti-Opiate Strategy.

Madam Speaker: It has been announced that to rule 33(8), the private member's resolution to be considered next Thursday will be one put forward by the honourable member for Fort Garry-Riverview. The title of the resolution is Provincial Anti-Opiate Strategy.

Hon. Jon Gerrard (River Heights): I believe we have agreement to move directly to Bill 207 and then at 10 minutes to 11 to adjourn debate on Bill 207, resume debate on 206 so that we can have a vote on Bill 206.

Madam Speaker: So, as I understand it, it has been— is there leave to deal with Bill 207, the human rights amendment code, for the first 50 minutes of debate and then move to Bill 206 for the remaining 10 minutes of private members' hour? And just to clarify that at 10:50, we will be—I will interrupt debate. We won't be adjourning debate. I will interrupt debate so that then we could move into Bill 206. Is that agreed? *[Agreed]*

SECOND READINGS—PUBLIC BILLS

**Bill 207—The Human Rights Code
Amendment Act**

Hon. Jon Gerrard (River Heights): Madam Speaker, I move, seconded by the MLA for Burrows, that Bill 207, The Human Rights Code Amendment Act; Loi modifiant le Code des droits de la personne, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Gerrard: Madam Speaker, I want to begin my remarks on Bill 207 by acknowledging the contributions of Dr. Moe Learner to this bill. He's helped me to understand the nature of the prejudice and discrimination which those who are obese can be subject to. Indeed, perhaps this bill—should be called Moe's bill.

Madam Speaker, the last socially acceptable prejudice, as it is said, is against those who are overweight. Day in and day out, people in our world use language to describe those who are overweight, which would never be acceptable to describe individuals in a racial, ethnic group or gender-specific way, and this language is harmful.

Dr. Brian Goldman, in his book, *The Secret Language of Doctors*, makes the case as well as anyone has made it. He is blunt. He says obese and overweight patients are a rich source of medical slang that is often vicious and pointed. He talks of the practice of calling obese people whales. I quote Dr. Goldman as he comments on this practice. He writes about Dr. Jay Ross, an anaesthesiologist in Winnipeg, who says I've heard it many times. Dr. Ross is quick to point out he doesn't utter the phrase himself. I repeat: It is not rare to have people who are obese described as whales; I've heard it many times, says this Winnipeg doctor, within the health-care system.

Dr. Goldman mentions other words that are used by doctors to describe patients who are obese: fluffy; a seal; a big fat chick; slugs. Dr. Goldman goes further. He says sometimes health professionals use gestures and tone of voice instead of words to demonstrate contempt.

I will quote again from Dr. Brian Goldman in describing the approach of Dr. Arya Sharma, an internationally recognized obesity guru at the University of Alberta and chair in obesity research and management. Dr. Sharma says: Disrespectful language and a disrespectful attitude to the patient, whether it's the tone of the doctor's voice, or body language, or the time spent at the bedside, or listening or talking, affect the quality of care. Goldman says the attitude Sharma is talking about is what experts refer to as weight bias, the tendency to ascribe negative personality traits to overweight people. We would not accept this biased approach to describe other groups, but it is still happening to describe those who are obese.

It is time to move to address this bias. It is time for Manitoba to lead the way, and that is why I have introduced Bill 207. It is for Dr. Moe Learner and for the many others who have been subject to this discrimination and bias.

Dr. Goldman continues citing research. A study of nearly 2,300 physicians who practise in the United States, published in 2012, demonstrated a strong preference for thin people and both implicit and explicit anti-fat bias. Another study published in 2009 in the journal BMC Health Services Research concluded that 40 per cent of physicians surveyed had a negative reaction toward obese patients.

Dr. Goldman continues: Rebecca Puhl a clinical psychologist and director of research for the Rudd Center for Food Policy and Obesity at Yale University in Newhaven, Connecticut, says physicians ascribe some of the most contemptible patient characteristics to people who are obese. A study of more than 600 doctors found that more than half said obese patients were unattractive, socially awkward and unlikely to take medication as directed.

* (10:10)

In a review article published in 2001, in the journal Obesity Research, Puhl and co-author Kelly Brownell cited research that showed 24 per cent of nurses say they are repulsed by obese persons.

Dr. Goldman continues, it's overt contempt that distinguishes how 'physhans'—physicians treat obese people compared with other patients.

You would not make a racial slur to a patient, says Sharma. You would not have a gender thing going on; you would not even dream of doing it. You would be banished from your profession and lose your licence and be kicked out of the hospital

because that's completely inappropriate. But when it comes to an obese person, people say here's the fat guy in the room, so and so.

Dr. Goldman goes on to talk of Dr. David Katz, one of America's most celebrated experts on obesity, who notes that obese patients are less likely than thin patients to receive appropriate care of medical problems that have little if anything to do with their weight.

Katz was explicit: I met a woman who should have had cancer screening tests but had not; I met a woman who should have had screening tests for cardiac risks and who should have received select immunizations, but who had not; I met a woman who had been driven from any and all benefits that modern medicine might offer her by the cold and denigrating judgment offered her by almost every modern medical practitioner she had met.

And, lastly and very important, Dr. Goldman mentions that, far from shaming people into slimming down, there's evidence that the bias against obese people has the opposite effect. A 2013 study of more than 6,000 people found that people who had experienced weight discrimination are more than twice as likely to remain obese as those who have not experienced such prejudice.

What Dr. Goldman is saying, and what I am saying today, is that very sadly we live in a society where there is all too often discrimination and bias against those who are obese and that this discrimination and bias has harmful effects on those who are obese. This discrimination and bias has been socially acceptable. It is time to act now to address this discrimination and bias.

What Bill 207 will allow is for an individual who feels that they have been discriminated against to take their situation to the Manitoba's Human Rights Commission so that the Human Rights commissioner can have a look at it and can see if there's a reasonable way of addressing it. It's not like taking it to a court of law; it's taking to the Human Rights commissioner who will address this in a responsible and reasonable way.

I ask every MLA to support Bill 207 to end the bias and discrimination against those who are obese in our province, and to move Manitoba to a place where we no longer accept that bias and discrimination based on physical size or weight is acceptable. We can do it. Let us do it together.

Since I first introduced this bill, I've had a lot of feedback and many people are telling me it is about time to do this. Let us move it on to committee today.

Thank you. Merci. Miigwech.

Questions

Madam Speaker: A question period of up to 10 minutes will be held. Questions may be addressed to the sponsoring member by any member in the following sequence: first question to be asked by a member from another party; this is to be followed by a rotation between the parties. The independent member can ask a question and no question or answer shall exceed 45 seconds.

Mr. Andrew Swan (Minto): I'm sure that the member for River Heights in his research is aware of other cases where a person who's claiming discrimination based on their physical size or weight, where these cases have been carried forward under disability provisions in different human rights statutes. I'm presuming that's a concern for the member for River Heights, and I'd like him to comment on the necessity of present to include a claim of this type under disability provisions.

Hon. Jon Gerrard (River Heights): Yes, I thank the member for Minto for his question.

We do have, under the current human rights 'crode', provisions that an individual with a disability can go to the Human Rights Commission and have their case addressed.

The problem here is that for many individuals who are obese it is not considered a disability, and so it's necessary to have this provision so that an individual who is obese can take their case to the Human Rights Commission.

It is true that occasionally there have been people who are obese—

Madam Speaker: The member's time has expired.

Mr. Nic Curry (Kildonan): Madam Speaker, I'd like to ask the member: Do any other jurisdictions in Canada have similar legislation, and what might the reasons be for these similarities across different jurisdictions?

Mr. Gerrard: You know, I must apologize to the member. I wonder if you could repeat that question because I didn't hear it.

Mr. Curry: Certainly, Madam Speaker.

So my question goes to different jurisdictions across Canada, if there are similarities across jurisdictions and why those similarities have developed, if there's a collaborative effort across provinces or other places in the world.

Mr. Gerrard: I mean, what's happened in Canada is that physical size and weight or obesity all right, is not been considered under the Human Rights Code or the Charter of Human Rights. What I'm saying is that this is a concern and it is something that we should correct.

Now, in the United States, the State of Michigan has moved to include it for employment matters but not generally. So, to my knowledge, we'd be the first place in North America to include this generally as we would do under the Human Rights Code.

Mr. Mohinder Saran (The Maples): How does the amendment in this act differ from the role of the Human Rights Commission of Manitoba?

Mr. Gerrard: This bill would put it under the discrimination against those people based on physical size or weight. It would put it under the Human Rights Code. What would happen, then, is that an individual who feels they've been discriminated against could go to the Human Rights Commission or commissioner and have their issue heard and have a situation where the Human Rights commissioner must, in fact, act on it.

Mr. Dennis Smook (La Verendrye): The member cites, in saying this legislation will protect the obese, yet this private member's bill provides no definition of the term obese.

What is the medical community's definition of obesity? What does the member define as obese?

Mr. Gerrard: I want to thank the member for his question and his comment. It's an important one, and there are, in fact, definitions that are used medically for using body mass index and so on for what is obese, what is overweight. Part of this is, in fact, the individual's perception too, and so that there is other factors than perhaps just a purely medical definition that could potentially come into play. It's not further defined here because it makes sense to have the Human Rights commissioner—

Madam Speaker: The member's time has expired.

Mr. Swan: I appreciated the speech of the member for River Heights, and I listened carefully to it. Much of the speech was based on interactions people were having with the health system. Of course, this bill

would impact not only governments but also employers and landlords.

So I wonder if the member for River Heights (Mr. Gerrard) could just tell us a bit more about any other discussions or consultations he's had with Manitobans when preparing this bill or, frankly, discussions that he's had since the bill was introduced last week.

Mr. Gerrard: You know, this—the concept of this bill actually originated many years ago with a discussion from—with a close friend who was concerned about what was happening. But it really was Dr. Moe Lerner who brought this to a head in terms of the extent of discrimination and referring me to Dr. Brian Goldman's book.

I've talked with significant numbers of individuals who have been obese and have talked about their own situations, and they have said this is about time that we have this, it's needed.

*(10:20)

Mr. Blair Yakimoski (Transcona): Other amendments to the Human Rights Code act have included supporting clarifying text as to provide further explanation of the proposed changes. This has not been included with this legislation. Can you tell and elaborate why?

Mr. Gerrard: In fact, when we first put this together and had discussions with legal counsel on this, we had put some supportive or clarifying text. But our advice from legal counsel after some extensive back and forth was that keeping it simple as physical size or weight was the better way to go. You know, judges can look at what was said in the way this bill was presented in the Legislature as well for further interpretation. But the—just keeping things as simple as possible was recommended to us as being the best way to go.

Mr. Ted Marcelino (Tyndall Park): This question really is more about the details of how the bill might apply to discrimination within services and accommodations and contracts, employment or vocational associations. Does that envision those particular specific areas?

Mr. Gerrard: Putting it under the Human Rights Code would mean that it's got broad application, right, across employment, rental and so on, all areas where people have raised concerns with me about. But what would happen when you take it to the Human Rights Commission, right, is that the Human

Rights commissioner, if he feels that there's an issue, will often bring the parties together and see if there can be a solution that's achieved amicably. And so it's a much gentler approach than going to a law court to get a ruling on, you know, whether there's discrimination. It doesn't—it involves an approach which is congenial and consensus-building and I think helps people to move forward in addressing human rights—

Madam Speaker: The member's time has expired.

Mr. Brad Michaleski (Dauphin): You've used—the member's used the words simple, to keep this thing simple. And, of course, the wording that's being proposed is very, very broad. What sort of costs could be incurred by the government if this change is made?

Mr. Gerrard: Okay, I mean, first of all, in terms of complaints coming to the Human Rights commissioner, there could potentially be more but, at the same time, it would facilitate the work of the Human Rights commissioner because there'd be much greater clarity. There wouldn't have to be a back and forth on whether or not there's a disability involved. I mean, it would be judged straight on whether the discrimination is on the basis of physical size or weight, whether—I would add that I have talked to people who are concerned about eating disorders, and they feel that this would also be very helpful.

Mr. Marcelino: If this bill concerns someone's physical size and weight, do you agree with the Supreme Court of Canada rulings that have included obesity as a physical disability?

Mr. Gerrard: I thank member for bringing this issue up. There is a Supreme Court of ruling which would move in this direction. It is, as I've said, it is sometimes possible for people with—who are obese to have that considered a physical disability. I think what this does is actually clarify the situation here in Manitoba, instead of having to argue whether it's a disability and who has the disability, for a person to go to the Human Rights commissioner, who can use common sense then in looking at how this can be addressed.

Madam Speaker: The time for questions has expired.

Debate

Madam Speaker: Debate is open.

Mr. Dennis Smook (La Verendrye): It's the first time I've had the honour of speaking in this House in

this session. So I'd just like to welcome everybody back and congratulate the Speaker on her job.

This bill amends The Human Rights Code. The list of protected characteristics under the code is expanded to cover physical size and weight. Well, Madam Speaker, I think it's important to have those magic numbers, because, really, what is—like, I mean, I would love to be six foot-eight and 230 pounds, but, unfortunately, I'm not. And because of my weight I have been, you know, told I'm fat and stuff, but I think sometimes that may be a benefit to me to try to, you know, lose some weight and stuff.

But, I mean, I think numbers to describe what we do call is obese are important. I mean, I don't think that a person like myself really should be going to the Human Rights Commission because it does take up a lot of time. So I think the more we can put into the bill, to this—you know, to stop, you know, to put up a proper number to it. I think it's important because it's something that we all—there's a lot of people who get discriminated against because of their weight, and I agree with the doctor that those are the kind of things that hurt people.

I know myself that there've been times people have called me fat and I really did not appreciate it, and then there's times you take it as a joke because of who it's coming from. So there's a lot more to being discriminated against than just the person who is obese. I mean, size wise, like, when we talked about it, it's tough to do anything about your size, and I know a lot of times obesity, people just have things that are wrong with their body that they can't help what's—what there is. But I think it is important to try to put some sort of numbers to this.

And one of the things we also need to look at is there's tons of things that happen. How can we protect people who are obese, but at the same time how can we make them realize that it's for their own good to try to help to educate people? Because as time goes on there's going to be more and more—if people can just get protected, I think we also need to look at how we can educate people. Because our health-care system takes up—diabetes. Diabetes is a— is an extremely disease now that's widespread. I mean, we need to educate people to understand like healthy living. I mean, that's the reason we have a minister of, you know, health, seniors and healthy living

I mean, it is important and I think we need to focus more on convincing people, and I mean I—the bill I don't have a problem with the bill. But I think

the bill needs to have a little bit more to it than just, you know, I think we need to put some numbers to it. Because, like, really, what is obesity? Like, am I obese? I don't know. I mean, is there a number for that? Some people may consider me obese.

So it's all about what we—what we're looking at here. So this bill is something that, you know, I agree that people are being discriminated against, but how do we stop that? Is it about education, and how do we do something about the obesity itself? Because our health-care system, I mean, under our previous government we saw more and more people using food banks. We saw—especially our youth—and if our youth starts off on the wrong track in what they're eating, like, what's the cheapest thing to go and buy is probably pasta. So if a person cannot afford or at home does not have the proper standards, it's going to put him off on the wrong track right off the bat.

So I think, in a lot of cases, we need to start looking at the bottom line. Where do we start with this? I mean, we can design all kinds of laws to protect people, but if it's not going to help us solve the problem I think we're barking up the wrong tree, and don't get me wrong. I feel sorry for, you know, people that are obese; there's a lot of reasons for it, and, yes, they should be protected. But I think we need to come up with proper numbers and what we can do in that case.

And that's—I know there's a lot of members who have something to say today, so I'd just like to thank the—everybody for listening. Thank you.

*(10:30)

Mr. Andrew Swan (Minto): Madam Speaker, I'm pleased to speak Bill 207 today. The bill would amend the Human Rights Code to add physical size or weight to the list of prohibited criteria for discrimination.

In Manitoba, I believe we have a good system with the Manitoba Human Rights Commission. It allows any Manitoban who believes that they've been discriminated against to bring on a complaint to the commission. They don't need a lawyer; they don't have to pay a fee. They can come forward to the commission and ask to have their complaint investigated. The commission, in most cases, will investigate, and as the member for River Heights (Mr. Gerrard) said in the answer to questions, the commission will make every effort to resolve a case, short of a hearing and try and come to a mutual resolution. But, of course, they will send the matter

on to a hearing if they believe there is an arguable case. And again, it allows Manitobans who believe they've been discriminated against to pursue their human rights remedies without costing them, which I think is something that we can all agree upon.

There's a lot of different circumstances that create complaints to the Human Rights Commission. Of course, there's complaints against government agencies or government of various levels, whether it's questions regarding health, education, housing or other areas. In many cases, it's a complaint against a private business, saying there's a denial of service or rude behaviour by someone who's providing goods or services.

And frankly, the largest single area for complaints is in employment relationships, where an employee says that they've been terminated, they've been passed over for promotion, they've been disciplined, or in some cases they've simply been treated poorly in their workplace because of a particular characteristic. And I can tell you, Madam Speaker, that a surprisingly high number of those cases deal with those very issues in employment.

The Human Rights Commission has a tremendous role to play in terms of education. The Human Rights Commission provides seminars. They provide courses for employers, for social service agencies that are assisting people that may need protection of human rights and, of course, to schools. And the Human Rights Commission takes that role very seriously and can continue to move the goalposts and advance human rights in the province of Manitoba. The human rights is quite commission considers its role to be inclusive, and I'll speak to that in just a couple of minutes, but even with the inclusiveness of the Human Rights Commission, I think I agree with the member for River Heights (Mr. Gerrard), that indeed there is a gap that exists right now that very well could be filled by Bill 207.

The Human Rights Code was last amended about four years ago to include gender identity and social disadvantage. It was a very inclusive bill. I was very proud to be the minister at that time who brought the bill forward. It did receive the support of all parties in this House, and that will guide my comments a little bit on this bill. As I've said, the Manitoba Human Rights Commission prides itself on being very inclusive, to find creative ways to deal with complaints that arise. And, in fact, if you go on their website, they make it very clear they will try to

assist people even if they don't fall under a specific head in the code.

But sometimes, Madam Speaker, that's not good enough. And certainly, that occurred in some of the discussion about why gender identity was included in the Human Rights Code. Some people said, well, there's already protections against discrimination based on sex and there's already protections based on discrimination for sexual orientation. And some of those comments were well meaning; some weren't, but I know a lot of people asked that question.

Well, first of all, there's no guarantee that a future human rights commission will be as inclusive. I'm very proud of the commissioners who serve on the Human Rights Commission and, as well, the adjudicators who ultimately hear those cases. Those do change over time and we do have a new government that, to this point, has demonstrated a certain focus or a certain bias on who gets appointed to boards. I would have a concern that a future board may not be as inclusive.

But secondly, and more importantly, and I think this is where the member for River Heights and I would agree, sometimes a change to the Human Rights Code can send a much more important message to Manitobans, specifically to protect and empower Manitobans who may feel that in their lives they have been discriminated against, to let them know that the government is on their side, to let them know that the Human Rights Commission is on their side and is prepared to hear what they have to say and to take it seriously.

As I've shared with this House previously, little did I know when I introduced the changes to the Human Rights Code that the first family to take a case before the Human Rights Commission based on gender identity was a family that I knew. And, very happily, their complaint against a school division was resolved through mediation. It was resolved in a satisfactory way, in a way that protected their daughter, but, indeed, protected other children who may be going through their own transition, their own choice of gender.

To this bill, of course, it provides for protection against discrimination based on physical size and weight. I can tell this House I don't recall this being an issue in the five years that I was the Justice Minister, but, honestly, I don't know if the Manitoba Human Rights Commission had the chance to consider cases of this type. But that's not the test.

The test really is is this a form of discrimination that, first of all, should be protected against, and secondly, is there a positive reason why amending the bill would provide more comfort, provide more support and make things better for people who may be suffering. And I think on both those counts, Bill 207, the answer has to be yes.

And I asked the Member for River Heights (Mr. Gerrard) a question about whether he agreed that a lot of these cases could simply fit within the disability protections in The Human Rights Code. And I think, again, the member for River Heights agrees on this that insisting that everybody who claims discrimination based on physical size or weight must do so through the lens of disability is not the right way to go. And I give an example which some members might think is unreasonable, but actually occurred. And this was the Russia's Bolshoi Ballet, and they fired one of their most famous female dancers, Anastasia Volochkova, for being too heavy, in their view. And the ballet cited concerns over the ability of its male dancers to lift the dancer to justify its decision. And the facts in that circumstance was that the dancer, who was 5 foot-7, weighed 50 kilograms or 110 pounds—she's a dancer. She's in great shape. Would anybody actually say that she has a disability that will allow her to make a complaint if she happened to live in Manitoba? The answer is no.

If somebody believes they're being discriminated against because they're heavy, their point, actually, is that they aren't disabled, that they're able to do their job. They're able to do the job for which they're paid. They're simply being treated poorly by an employer or they're being treated poorly by a vendor, or by a landlord, or by somebody else. And I, having looked at this bill and having done some research and considering what the member for River Heights has to say, I don't think that we're—we live in a province where we say that somebody who's discriminated against because their physical size and weight should only be able to get relief from the Human Rights Commission if they prove that they're disabled. Well, frankly, that actually is a form of discrimination in and of itself.

So I believe that this is a positive move. I agree with the member for La Verendrye (Mr. Smook), can we pin a dollar amount on how much this would cost, no. When you change human rights legislation I can say quite honestly you never know which cases are going to come forward and what is going to be carried on by the Human Rights Commission. But

whatever the cost is, it's pretty small when we consider the benefit of providing a Manitoba that is safe from discrimination.

And I listened carefully to what the member for La Verendrye had to say, and he had some comments about what people may have said to him. And I think he's a decent sort, and simply said, well, I just—I kind of shrug it off and I get on with my life. Well, that may be the case. Those of us in this Legislature are privileged. We're able to speak for our self. We're able to advocate for ourselves.

I think the member for La Verendrye would feel very differently if it was somebody with the same body size and weight as him who was told he was being denied housing, that a landlord wouldn't rent to that person because they believe that they're too heavy. Do we really believe we live in a Manitoba where landlords could discriminate against people because they don't like their weight? I don't think so.

I believe that the Human Rights Commission would do whatever it had to do to take that complaint forward, but maybe that's not good enough. And, again, if it was somebody with the same weight and same height as the member for La Verendrye who was told by their employer they were being passed over for a promotion because of their weight, even though the person said, well, I can do the job, I've been doing the job in this business for all these years, and yet you're passing it over because of a physical characteristic that doesn't impact my ability to do the job. I believe we live in a Manitoba where we should be considering those things.

So I believe that we can have a good debate on this bill. I thank the member for River Heights bringing it forward. I think it's got all of us to think a little bit more about this issue, and I think passing this bill would actually be a good thing to build a stronger Manitoba.

Thank you, Madam Speaker.

* (10:40)

Mr. Blair Yakimoski (Transcona): Madam Speaker, thank you very much for those thoughtful words to the member from Minto and La Verendrye. And I thank the member from River Heights for bringing this forward.

I'd like to say a few words regarding this bill, the Bill 207, The Human Rights Code Amendment Act. To start, I would like to say, as we've heard on several times, on April 19th of this year, we elected a

new government to put Manitoba onto a new track. We had too many years of fiscal mismanagement, and Manitobans want us to improve their lives. We agree and we're working to that end.

You've heard this, and we'll say it again, we're working hard to fix our finances, which have been in decline for many years. The provincial government continues to spend beyond its means, driving up debt, so we are now spending into our children's future. They increased the deficit to never-before-seen numbers, and our new government wants to improve the lives of Manitobans.

We're working to repair our services. The debt that piled up under the previous administration simply took money that was needed for education, health care, social services, money that could be used for front-line services that we all need. We're working at rebuilding our economy and we are working with business, big and small, to help drive Manitoba's economy, all of this to counteract decade of debt, decay and decline.

Yes, we know that the previous government didn't do a good job. And it was referenced this morning in an article in the Winnipeg Sun, that poverty's increased in Manitoba and healthy food costs money. Healthy food—we know obesity in western societies is at epidemic proportions. We're larger in North America than many of our counterparts in other parts of the world. Healthy eating is challenging. It's costly. Having run a grocery store for many, many years, I know where the profits can be made, but I also know what drives people into the stores. We have to change the culture, getting people to eat healthier.

We have to. In a grocery store, I know it wasn't done at the actual store level but head office, on a regular basis, would drive sales into the store because what do you see on the front page—and I know what drove my sales; you put pop on sale cheap and we sell it by the truckload. You put chips on sale cheap, we sell it by the truckload. Sugar cereals, we sell a lot of it. You know, smoked meats, we sell a lot of it. Apples, oranges, healthy cuts of meat, well, those are less processed, those are items that you want to maintain the freshness on the counter, and you're going to have some shrink, you're going to be throwing more of it out, so you have to try and make more money on those.

And we know that the previous government, by not increasing the basic minimum exemption, every time someone at the lower end poverty got a raise,

or perhaps even a raise through the increase of minimum wage, that previous government took a percentage of it because they'd refused to raise the basic minimum exemption.

So it's a culture change. Obesity is an epidemic. The convenience of society has got to change—driving through a Tim Hortons or a Starbucks and not wanting to get out. Our lives are busier and busier and we don't want to—we know we want to go out and exercise. We should. But we're busy with our jobs, some of us with our new jobs. And we stop and get the coffee.

I had a person one time say she wanted me to open up a drive-through grocery store. And I thought it was a foolish idea because I didn't want her just to drive up and get those things I was giving away for free or next to nothing, no profit; I wanted her to come into my store and see my fresh produce. I wanted her to eat healthy. Because when people ate healthy I was able to make money and pay my bills.

Obesity. I'm obese. My concern about this bill—things got quiet there when I said that. I am obese. But according to what measurement? What measurements are we using? Now, the measurements I use come from a fun time in my basement playing with my children. Dad, let's play Wii. Okay. Get on the balance board. And you watch, and it says in those little words: You are obese. Oh, man. I know I could lose a few pounds. But what are the measurements we using?

In Bill 207 we don't have standards of what measurements we're using. But it also references not just obesity, but size when it comes to the Human Rights Commission. And I thank very much the member from Minto and the member from River Heights for explaining a little bit more this morning about the Human Rights Commission and the function of it. But when it references size, do we include people who have dwarfism? Or do we include people who are perhaps very tall like our Premier (Mr. Pallister)? I'm not sure if it's referenced in here.

I do know, as the member from River Heights mentioned, that words can be very, very harmful: you're fat; you're a whale—you're cuddly might be a better one. But in society, we are teaching, I hope, the next generation to be more aware of the dagger of words and how harmful it can be. We're all very aware of how it can—how words can hurt, but I think in many cases, obesity, although can be a medical—well, becomes a medical issue, can also be a choice

of the food and the lifestyle you're choosing. The member from River Heights probably knows of several people who were obese, but had a health-care scare and were able to change their lives, perhaps through lifestyle, through a better diet, through focusing on what's important to take care of themselves.

We know in poverty, as I'd mentioned about my grocery store, cheap items quite often are not healthy items, and we have to do everything we can to bring people out of poverty. And I hope that my colleagues on both sides—on all—of the House are looking towards that.

The member from Minto—and when we talk about obesity, some of the names that were used were very hurtful, but there're some times it's used as humour. He made a good comment regarding the Bolshoi Ballet. The dancer, who was very fit, was not adequate for dancing anymore. That would be awful.

I would hate, in society, to be prejudiced against being able to do my job because of my size, but, unfortunately, sometimes we make comments where we shouldn't, or we have opinions of people whether they're obese, or we have opinions of people of whether they smoke, which we know that's not good for their health, or whether they just live poor, poor lifestyles.

It's all about being able to do your job, and I think part of this bill might lead down a slippery slope of people saying: I was treated poorly because I was obese. I don't know that it should be generalized. I know some people have serious health concerns, and obesity can lead to depression, diabetic issues, cardiac issues, all sorts.

* (10:50)

I know my colleagues and I, we are committed to make Manitoba Canada's most improved province. Ensuring healthy diet, healthy lifestyles and bringing people out of poverty can help bring that forward.

Thank you, Madam Speaker.

Madam Speaker: Order, please.

As previously agreed, the hour being 11—or, pardon me, 10:50 a.m., I am interrupting debate on this bill. When this matter's again before the House, the debate will remain open.

DEBATE ON SECOND READINGS— PUBLIC BILLS

Bill 206—The Health Care Accountability Act (Health Services Act and Health Services Insurance Act Amended)

Madam Speaker: As previously agreed, we will now resume debate on Bill 206, standing in the name of the honourable member for Fort Richmond.

Mrs. Sarah Guillemard (Fort Richmond): Madam Speaker, as I have been saying, I grew up in a home where medical stories were the topic of dinner conversations, and I was given a glimpse into some of the frustrations our caregivers face when what they know to be a right course for patients is not the affordable choice for the administrators. There is a fine balance when your duty to provide the best care but the dollars are just not available to provide that best service.

Our health-care system is one of the most envied across the globe, but as many of the front-line workers will attest to, it is far from perfect. There are limits to our abilities when decisions must be based on available funds through government and, clearly, after a decade of debt, decay and decline, there's a trail of mismanagement of the funds that should have gone to front-line workers being spent on administration and upper-management positions.

It's no secret that our white—wait times are the talk of the country and put our province to shame. We need to do better. There have been many increases to health-care spending, yet very little improvement to the services that are meant to keep our citizens healthy and cared for.

The various medical personnel that I have had contact with over the years for my entire family are not the problem. If anything, they are the silver lining and provide hope that something can be done to enhance the care for all.

Doctors, nurses, and the support staff are just as frustrated with the current system as the patients who visit them. These are the people we need to hear from and the front line is where the dollars need to flow so that patient experiences and wait times begin to show improvement.

There have been massive increases in administrative paperwork that has been implemented in order to improve patient care, but all it has done is created a bottleneck for those seeking treatment.

It is time for a change, Madam Speaker. Manitobans asked for it on April 19th of this year and our new government is delivering on that—delivering on that promise—sorry—by exposing the areas that have hurt this province and vowing to be a part of the restoration our citizens need and want. We will stop the bleeding so that the healing can occur. Thank you, Madam Speaker.

Madam Speaker: Are there any further speakers on the bill?

Is the House ready for the question?

An Honourable Member: Question.

Madam Speaker: The question before the House is second reading of Bill 206, The Health Care Accountability Act, health services act and health services insurance amendment act.

Is it the pleasure of the House to adopt the motion? Agreed?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Madam Speaker: I hear some noes.

Voice Vote

Madam Speaker: All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

Madam Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Speaker: In my opinion, the Nays have it.

I declare the motion—oh, the honourable member for River Heights.

Recorded Vote

Hon. Jon Gerrard (River Heights): A recorded vote, Madam Speaker.

Madam Speaker: Does the member have support from three other members for a recorded vote?

Yes, the member does.

A recorded vote having been called, call in the members.

* (11:00)

The question before the House is second reading of Bill 206, The Health Care Accountability Act

(Health Services Act and Health Services Insurance Act Amended).

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Allum, Altemeyer, Chief, Fontaine, Gerrard, Kinew, Klassen, Lamoureux, Lathlin, Lindsey, Maloway, Marcelino (Logan), Marcelino (Tyndall Park), Saran, Swan, Wiebe.

Nays

Bindle, Cox, Curry, Eichler, Ewasko, Fielding, Friesen, Goertzen, Graydon, Guillemard, Helwer, Isleifson, Johnson, Johnston, Lagimodiere, Martin, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Piwniuk, Reyes, Schuler, Smith, Smook, Teitsma, Wharton, Wowchuk, Yakimoski.

Clerk (Mr. Rick Yarish): Yeas 16, Nays 29.

Madam Speaker: I declare the motion lost.

RESOLUTIONS

Res. 6—Equality for First Nations People

Madam Speaker: The hour now being past 11 a.m., and time for private members' resolutions. The resolution before us this morning is the resolution on Equality for First Nations People, brought forward by the honourable member for Fort Rouge (Mr. Kinew)—[*interjection*] Oh.

Order. The Official Opposition House Leader, on business.

Mr. Jim Maloway (Official Opposition House Leader): On House business, I wondered if you could canvass the House to see if there would be unanimous approval for us not to see the clock at 12 o'clock so that the member would have a full hour for debate of this PMR.

Madam Speaker: Is there leave of the House for the resolution to be debated until 12:07?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Madam Speaker: Agreed and so ordered. Oh, leave is denied. Leave has been denied.

Madam Speaker: So the honourable member for Fort Rouge.

Mr. Wab Kinew (Fort Rouge): I move, seconded by the member from Flin Flon,

WHEREAS the Canadian Human Rights Tribunal ruled on January 26, 2016 that the Federal Government is racially discriminating against 163,000 First Nations children by underfunding child welfare services on-reserve; and

WHEREAS First Nation education on-reserve is chronically underfunded with 30% less money spent on each Indigenous student than the national average resulting in 110,000 First Nation students being denied the same quality of education as their non-Indigenous peers; and

WHEREAS there has been a 2% cap in funding increases to social services on-reserve since 1996 which has failed to keep up with the growing Indigenous population; and

WHEREAS many healthcare services are denied to First Nations peoples when they would otherwise be covered; and

WHEREAS the Truth and Reconciliation Commission of Canada's Calls to Action have directed the Federal Government to provide equal funding to education on-reserve; to implement Jordan's Principle which would provide equal funding for health and social services on-reserve; and to use the United Nations Declaration on the Rights of Indigenous Peoples as a framework for reconciliation; and

WHEREAS the Prime Minister has promised to implement all 94 Calls to Action of the Truth and Reconciliation Commission, and has indicated that any initiatives announced will not be implemented until after the next federal election; and

WHEREAS Manitoba has one of the highest rates of reserve residency and Indigenous populations in the country, making an investment in their future critical to ensuring the future economic prosperity of this province.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba be urged to call upon the federal government to immediately provide the necessary funding to close the gap in education, health and social services for First Nations people on-reserve, and that such funding be delivered in a collaborative way with First Nations people consistent with the United Nations Declaration on the Rights of Indigenous Peoples and the Calls to

Action of the Truth and Reconciliation Commission of Canada.

Motion presented.

Mr. Kinew: I rise in the House today to make a simple request, which is that my colleagues here support equality for First Nations people. Equality especially for First Nations children, 163,000 of whom are currently being discriminated against in this country.

* (11:10)

By way of background, the Canadian Human Rights Tribunal ruled this year that the federal government is guilty of racially discriminating against First Nations children, specifically due to the underfunding of child-welfare services for First Nations children on reserve.

In subsequent clarifications, the Canadian Human Rights Tribunal has directed the federal government to interpret that ruling broadly so as also to cover health services, in accordance with what is known as Jordan's Principle, and education services on reserve.

Furthermore, they have directed that the federal government's responses to date are insufficient and must be supplemented so that we can honestly say in this country that First Nations children, First Nations people on reserves, are not being racially discriminated against by our federal government.

So the resolution today is quite simple. It is calling on members of this House to urge the provincial government to call on the federal government to do the right thing and end racial discrimination against First Nations people.

When we walk through the various aspects of the tribunal's ruling, we see a very damning portrait painted as to the services provided on-reserve. In the area of child welfare, the tribunal ruled that the federal government, through what is now known as the Department of Indigenous and Northern Affairs, gives less money per child than do agencies funded by provincial governments in this country receive. In this province, we know the names, we have heard the stories: Tina Fontaine, Phoenix Sinclair. Their names have become synonymous with tragedy, two beautiful young girls whose names are now synonymous with tragedy in our province.

Members in the House may not know that at the times of their passing, both of these young women were under the care of the southern authority.

Southern authority: the former head of this organization gave testimony to the Canadian Human Rights Tribunal, which the tribunal included in their ruling on this matter, saying that some of the agencies under their jurisdiction—some of the First Nations child and family services agencies under their jurisdiction, for them, half of the kids in their care received no federal funding. Half of the kids in the care of these First Nations child and family services received no money from the federal government, which is shocking. These are children who are among the most vulnerable in our society. These are children who are in need of intensive wraparound supports, culturally safe interventions, which would seem to indicate that they need more resources and not less. Yet we see it, the reality that these children receive even less than their peers who are in the care of other agencies.

So, when we ask why apprehension rates are so high in this province, we know that the answer is multi-faceted and a multi-tiered response; however, we should understand that part—one of the aggravating factors is this lack of resources for child-welfare services on reserve. It is partially a result of the fact that First Nations kids in the care of child-welfare agencies receive less money towards their care than do other children in this country, and that's not right.

When we turn to education, tens of thousands of young First Nations people in this country are forced to make a choice between living in their home communities and pursuing an education. I know this reality very well, Madam Speaker, because I was one of these young people when I was a child. My family left the reserve explicitly so that I would have access to better quality education in the city of Winnipeg. Now, I don't begrudge any of my life experience; I have been blessed with tons of opportunity, but I share that with you and my colleagues today to point out the simple fact: no child in this country should have to relocate because of government discrimination.

And it is government discrimination. Respected economist Don Drummond, former chief economist for TD Bank, has done a nationwide analysis and concluded that education on reserve is underfunded on per pupil basis by 30 per cent. What that means is, on a national average, if you look across the country, a kid going to school on a reserve will receive \$4,000 less per year towards their education than

they would had they gone to a provincially funded school. And that's not right.

Finally, when we turn to the issue of health, we know well Jordan's Principle. Unfortunately, one of the reasons we know it so well is because young Jordan River Anderson hailed from our province, from the Norway House Cree Nation. He was a boy born with complex medical needs who spent nearly his entire life in hospital, and one of the reasons was because for the last two years of his life the various levels of government were arguing over who should foot the bill for his care. Sadly, he died at the age of five, having never had the opportunity to go to his family home. That should be offensive to all of us, to any of us, that any child should fall through the jurisdictional cracks in our society.

And it has been an important all-party initiative in the time since his passing to support Jordan's Principle. However, the reality of the situation is that the Canadian Human Rights Tribunal ruled this year that Jordan's Principle, while being supported on an aspirational level, is not reality for First Nations children. And that must be rectified. I have experience with this as well. It's not just something borne by First Nations children; it's adults as well. My own father was denied cancer care by virtue of his Indian status. So this hits close to home.

Everyone in the House should view this as an urgent matter for all Manitobans, not just for indigenous people. The future economic prosperity of our province depends, in large part, on the success and well-being of indigenous people. We have a situation where our fastest growing population is indigenous youth. We have the highest per capita population of indigenous people in the country. And we are also the province who, among the indigenous population, has the highest rate of on-reserve residency. So rectifying this imbalance, rectifying this inequity, will help to unlock the potential of indigenous youth, which, in turn, will pay great dividends towards the future economic prosperity of our province and to the overall well-being of all Manitobans.

I would call on my colleagues in the House today to realize that this is not a partisan matter. If you are on the more progressive side of the spectrum, this inequity should offend your principle of social justice. If you are on the more conservative side of the spectrum, this should offend your sentiment that the government should give all people an equal shot at life and then get out of the way. As a

result, I think that we can stand together on this one. The resolution is consistent with the calls to action from the Truth and Reconciliation Commission. It will also help the minister of indigenous and municipal affairs fulfill her mandate, because her mandate letter talks about advocating for equal funding for education on reserve.

So, in my mind, this is not a political issue; this is simply a moral issue. Do you support equality for First Nations people? And I would call on all members in the House to say yes to that question.

Miigwech.

Questions

Madam Speaker: A question period of up to 10 minutes will be held. And questions may be addressed in the following sequence: The first question may be asked by a minister from another party, any subsequent questions must follow a rotation between parties, each independent member may ask one question, and no question or answer shall exceed 45 seconds.

Are there any questions?

* (11:20)

Mr. Alan Lagimodiere (Selkirk): The NDP government had some of the longest health-care wait times and outcomes in the country, and does the member believe that his party's record promotes equality for First Nations in Manitoba?

Mr. Wab Kinew (Fort Rouge): I think what is clear is that the reality is that no party in this country, be they blue, red or orange, has done enough to date to rectify the situations for First Nations people. That's why as a new member of this House, I am calling on all of my colleagues to stand together and do the right thing.

Mr. Ted Marcelino (Tyndall Park): My question is very simple, and it's non-partisan. How can the Province help achieve equality for First Nations people in Canada and Manitoba?

Mr. Kinew: I thank my esteemed colleague for the question. Current constitutional reality dictates that the federal government has a fiduciary obligation to First Nations people. So, within that environment, the provincial government must exert pressure, must negotiate, must use all means to demand that the federal government stand up and do the right thing: fulfilling its fiduciary obligations but also complying with the Canadian Human Rights Tribunal and

ending the racial discrimination against First Nations children.

Mr. Wayne Ewasko (Lac du Bonnet): Does the member from Fort Rouge support the manner in which the East Side Road Authority was managed under the previous NDP administration?

Mr. Kinew: I believe that connectivity and access to the east side communities in Manitoba would help fulfill Jordan's Principle, which is equal access to health services. And so I would encourage all members of the House who are concerned about this matter and who are, in some cases, neighbours to these communities to support this resolution, because, again, this is not just a First Nations issue; this is an issue in which all of our futures are intertwined.

Mr. Mohinder Saran (The Maples): What impacts does the funding gap for First Nations people, on reserve, have on First Nations people, on children?

Mr. Kinew: I thank the member for the question.

The impacts for young people in particular on reserve are almost too numerous to mention, but we are very familiar with some of them here in Manitoba. For instance, the graduation rate on First Nations communities recently was 26 per cent. We often talk about the graduation gap on reserve, but we never talk about the funding gap. We seem to be pointing the finger at the students and asking why aren't they doing better, and we have never interrogated ourselves to ask why aren't we giving them the same opportunity, the same resources that every other children in our society is privy to.

Hon. Jon Gerrard (River Heights): I want to thank the member for Fort Rouge in bringing this forward. It is a really critical issue and we need to make sure there's equity in funding.

I was in The Pas and OCN, and they were talking about teachers going from OCN to The Pas because they could get paid better, and it was having a detrimental effect on the students who were at OCN. And it's not good. And it's a major problem that needs to be corrected.

When you're looking at the funding, the Province gets equalization transfers and transfers for health and other areas; some of those are on a per capita basis, including First Nations—

Madam Speaker: The member's time has expired.

Mr. Kinew: I am pleased to hear, Madam Speaker, of the member from River Heights concern on the matter. I would suggest to him that if he truly believes that this is important that the first step towards rectifying this situation is to ensuring that the federal government comply immediately with the Canadian Human Rights Tribunal's directives on this case. As a result, I'd encourage him to support this resolution today, and regardless of the outcome I would encourage him to take the resolution forward and discuss it with his federal counterparts.

Mr. Saran: What is Jordan's Principle? Why is it so important for our First Nations people?

Mr. Kinew: Essentially, Jordan's Principle is a principle that should underlie health care and basically say that when a patient presents in need, that they should be provided the services which are necessary and that governments should sort out who pays for it after the fact.

I alluded to, you know, young Jordan Anderson earlier. It's named for him. Again, parties of all stripes have supported this principle in the past. But, again, we know that though there is support on a high level, it's still not the reality for First Nations children. That's what we need to work towards.

Mr. Greg Nesbitt (Riding Mountain): Can the member for Fort Rouge (Mr. Kinew) tell this House, why, under the NDP, Manitoba was ranked as one of the worst places for First Nations people to live in Canada while the former government continued to post deficit after deficit.

Mr. Kinew: The answer to a question like that is far too complex to give in 45 seconds, however, an appropriate, culturally safe course on indigenous content, as is recommended by the calls to action of the Truth and Reconciliation Commission, could be arranged for all members of the Progressive Conservative caucus. If they're uncomfortable with me delivering such a lesson, I would be glad to provide recommendations so that we can all abide by the calls to action of the TRC.

Ms. Judy Klassen (Kewatinook): I appreciate your brining this forward today. You mentioned your father not getting prescriptions or dying from cancer. Could you elaborate, if you feel that's not too intrusive?

Mr. Kinew: I hesitate to say that my father died as a result of this decision. I want to say for the record, I am a person with privilege. My family is a family with resources and, as a result, we could have

undertaken to pay for the necessary medication, as recommended by an oncologist, out of our own pocket. However, I share that anecdote merely to highlight this point: Why is it that in 2016, First Nations people must still ask if the outcome of their lives would be different had they been born to another community?

Ms. Amanda Lathlin (The Pas): My question is: Why is it important to achieve equality for First Nations people, especially here in Manitoba?

Mr. Kinew: Well, I believe that equality and liberty for all peoples is a goal shared by all members of every political party. The reason it's particularly incumbent on people in Manitoba is because of the fast-growing indigenous population here.

Without equality in the form of an end to the racial discrimination in provision of services to First Nations people, we will have a situation where First Nation success is always treated as an exception rather than as the rule. It is my dream that instead of us talking in the House about naming principles after First Nations kids like Jordan's Principle or Shannen's Dream and highlighting the stories of tragedy, that we soon—

Madam Speaker: The member's time has expired.

Mr. Len Isleifson (Brandon East): The member from Fort Rouge talks about accountability and responsibility for all parts of government—federal, provincial, all parties. I certainly understand that.

So my question, then, is, looking back under the NDP, the child food-bank-usage rate was the highest in Canada. So I want to ask the member if he acknowledges that his party's high taxation and degrading of essential front-line services was detrimental to Manitoba families.

Mr. Kinew: I question the relevance to the topic at hand. I am coming forward in a non-partisan way, hoping to call on the federal government to do the right thing and end the racial discrimination which is currently occurring in First Nations communities as a result of federal government policy.

* (11:30)

The member from Brandon East should know well, you know, the impacts that this has on people transitioning into cities in our province from communities like Sioux Valley and Canupawakpa. It is incumbent on all of us to do the right thing here and ensure that First Nations people have equal services and equal opportunity.

Madam Speaker: The time for questions has expired.

Mr. Jim Maloway (Official Opposition House Leader): On House business, I believe if you canvass the House, you will see that there's unanimous agreement for—to extend the sitting time, not see the clock at 12 and continue until 12:07.

Madam Speaker: Is there leave of the House to continue the debate on the resolution until 12:07? *[Agreed]*

Debate

Madam Speaker: The debate is open now.

Mr. Alan Lagimodiere (Selkirk): I'm privileged to stand here before my honourable colleagues to put some words on the record regarding the private member's resolution on indigenous inclusion brought forward by the member from Fort Rouge.

I would like to begin by acknowledging that we are on Treaty 1 territory, that the land on which we gather is a traditional territory of the Anishinabe, the Cree, the Oji-Cree, Dakota and Dene peoples and the homeland of the Metis Nation.

Madam Speaker, this is a very complex issue. However, I will endeavour to bring a few words forward to help frame the perspective of the issues and concerns that are before us.

Indigenous inclusion is not a new concern. When I was young, I never knew that inequality was until I entered grade school. I saw and treated everyone as an equal, indigenous or non-indigenous. It wasn't until grade school that I noticed lack of inclusion existed.

Maslow's psychological theory on the hierarchy of needs tells us that first, there's a basic need for physiological needs and—followed by safety needs. And next, there is the psychological need of love and belonging. Once fulfilled, this leads to self-esteem and, lastly, to self-fulfillment and self-actualization. Social acceptance and inclusion to a group is one of the first psychological needs to be fulfilled. Lack of inclusion can result in people bouncing back and forth between groups to try to find acceptance and belonging. Witnessing lack of inclusion first-hand has taught me that we should have respect for all cultures and all people.

Madam Speaker, Manitobans elected a new Progressive Conservative government committed to fixing our finances, repairing our services, rebuilding

our economy. Manitobans are telling us they cannot afford another NDP decade of decline, decay and debt. The previous government had 17 years to bring forward more effective legislation for indigenous inclusion and programs and support, but chose not to. Rather than building relationships with indigenous people in our province, the NDP decided to throw money at the problem instead of taking the time and effort needed to identify the cause and then make a plan to move forward addressing and dealing with the root of the cause.

Madam Speaker, for our government, an important part of rebuilding the Manitoba economy is including everyone and ensuring that all Manitobans have a say. Our new government is working to put together a budget that includes all Manitobans, with a consultation process that is the broadest in our province's history.

It is important for us to learn from the past and take positive steps to ensure we can move forward positively. The NDP focused on running billion-dollar deficits with failing results. We will be focused on working with stakeholders and improving the lives of the most vulnerable persons in Manitoba. Our government is in support of the Truth and Reconciliation Commission's report. We are focused on results and partnerships with our indigenous community.

I am proud to acknowledge our Premier (Mr. Pallister) has spent over a decade working on improving property rights for indigenous women on reserves. By working collaboratively with all our stakeholders, we can find real solutions that will lead to positive, lasting results for all Manitobans.

Our government has begun and continues the hard work required to repair the damage, correct the course and move toward balance in a sustainable way. We are focusing on fixing the finances, repairing our services and rebuilding the economy.

Mr. Reg Helwer, Acting Speaker, in the Chair

Mr. Deputy Speaker, we need to acknowledge that the indigenous population is the fastest growing population demographic in Manitoba. According to an internal Aboriginal Affairs and Northern Development report, Manitoba was one of the worst places for First Nations people to live in Canada under the NDP.

We just spoke about the importance of adult literacy the other day in the House. Under the NDP, Manitoba had the lowest First Nations high school

graduation rates in Canada and the second lowest life expectancy among First Nations across Canada. The most recent report by the C.D. Howe Institute showed that under the previous government, nearly 63 per cent of indigenous high school students in Manitoba do not graduate.

Although strong improvements have been made in other provinces, Manitoba has historically performed the worst. On Manitoba's reserves, just over 25 per cent of students finished high school under the NDP, a rate lower than in some developing countries. By comparison, the graduation rate in off-reserve high schools across Canada is 85 per cent. The Howe report also confirmed the strong link between higher education levels, higher employment rates and higher earnings. The implications are clear: To reduce indigenous poverty, we need to encourage high school completion.

Mr. Deputy Speaker, with this knowledge, it is understandable that a lack of education can lead to a lack of jobs and can lead to poverty. As of the—as of 2010, the poverty rate in Manitoba sat at 9.2 per cent, the third highest rate in Canada. A total of 107,000 people lived in poverty, an increase of 11.5 per cent since 2008. Once again, Manitoba has the highest child poverty rate of any province, almost 10 per cent above the rate for all of Canada. Manitoba had the second highest percentage of First Nations children living in poverty, double the national percentage under the previous government. Almost three out of 10 of Manitoba's children are living in poverty, and the number continues to grow each year.

Since 2008, Manitoba saw the biggest increase of all provinces in percentage of the population using food banks, increasing by 52.5 per cent by 2014. In 2014, indigenous persons in rural areas made up the highest percentage of food bank users in Manitoba at 56.5 per cent.

Mr. Deputy Speaker, we also need to remind everyone that under the NDP watch, there were over 10,000 children in the care of Child and Family Services. Manitobans need to know that since 2009, 76 children have died in care of the child-welfare system or while involved with CFS, 15 in the past year alone. An important statistic to note is that indigenous children account for only 26 per cent of all children in Manitoba; around 90 per cent of children in care are indigenous. While less than 2 per cent of non-indigenous children in the province have contact with CFS before the age of 15, for First

Nations children, more than 22 per cent have contact with the system. That's one in five First Nations children that will be in contact with CFS before their 15th birthday. Manitoba now holds the title of having the highest rate of children in care in Canada with the rate of almost double the nearest province.

Mr. Deputy Speaker, with regards to missing, murdered indigenous women and girls, it is important for us to do all we can as a government to ensure the safety of all our citizens and especially those who are our most vulnerable.

Madam Speaker in the Chair

Throughout our consultations as government, we have heard that the national inquiry must be culturally respectful. It must be emotionally supportive and must also reflect the wisdom, experiences and recommendations of the many individual Manitobans, local families, indigenous community leaders and relevant organizations who have contributed to our province's unique volume of experience on this issue. We also believe it is important for the commissioners of the national inquiry to review the work that has already been done in advance of the inquiry.

* (11:40)

Madam Speaker, our new government remains committed to working with all of our partners to ensure we are doing everything we can to protect all our people. Our government has began the hard work required to repair the damage, correct the course and move toward balance in a sustainable way. And I must state, for the record once again, we are focused on fixing the finances, repairing the services and rebuilding the economy.

We believe in strong consultation with our stakeholders and actively listen to Manitobans to deliver results. We are committed to making Manitoba Canada's most improved province, making Manitoban families safer and stronger.

Miigwech, merci and thank you.

Mr. Mohinder Saran (The Maples): I feel privileged to put a few words in record on this important issue. Let me first start, how the—by this society, the Aboriginal people have been discouraged, has been made low esteem, important—I remember one incident. Around 1975, around that time, I was waiting, on Portage, close to Main and to take a bus. A person came to me; he used the f-word and mentioned about the Aboriginal people. And I

knew what he means, but, at the same time, I pretend I did not listen to him properly. I said, what did you say? He said, no, no, you are not an Aboriginal person. Oh, you are from Sri Lanka.

So I realized, being an immigrant from other country, at least I have a choice to go back. But these people, born over there, original owners of this country and that's the way they have been treated. They have no way to—no place to go. This kind of treatment kind of gives you some kind of perspective how Aboriginal people have been treated. Although I can mention some incidents I endured because of my identity, but those don't come as close to as the Aboriginal people endured.

I was going—we were walking on the streets of Vancouver, and people throwing eggs at us; I mentioned that a few times before. And so, I think, it's—I think of—remember while talking about the—how NDP did and how the economy got decayed, how, you know, we were gone in debt. But let me talk about how the PC historically did. And PC never hesitated to use people of minorities for their political gain.

Madam Speaker, you may remember in the federal election, the PC government, PC Party at that time, tried to raise the issue of niqab in Quebec, because they want to gain some political points on the back of the minority so that majority can help them and they can win the election. So that—similarly, let me point out other incidents. A couple DM of visible minorities had been removed because they don't have any political affiliation with the PC, and if they remove them from those positions they will gain points because they have put down the minorities so they can appease the majority. That's the way PC is using minorities to gain their political—or to have their political gain.

And I can mention about a woman of colour who has been recently removed from the position of DM. She had 26 years experience in the government. She was an accountant by profession. If we say the government needs some person, in this situation she was the best person. But she was, because of her non-political views who did not align with any party, she was removed. And she was moved from that position. Unfortunately, it has been sided, not brought in up front. So using these kind of—you know, these Aboriginal ministers are—deputy minister from the minorities—those are role models for the newcomers, for the Aboriginal communities, so students will look up to them. And when they look

up to them they will try to be one of them, like them. But that opportunity has been taken away.

We believe every Manitoban matters and that every child should have the opportunity to have a successful future. Our students yearn to get a high-quality education and the skills they need to get a good job here in Manitoba. Our children and young people should have access to quality and affordable health care that matters their needs—that meets their needs.

The federal government must uphold their commitment to equally fund and support health care, education, housing, infrastructure and communities on First Nations. We have seen this federal government drag its heels with addressing commitments made to First Nations already. The federal Liberals refuse to act on the Canadian Human Rights Tribunal decision that the Canadian government systematically discriminates against First Nation children on reserve by underfunding them. Despite the tribunal issuing a compliance order three times, the federal government has yet to implement the panel's findings and orders. This complaint is the result of dedicated work by Cindy Blackstock, the Assembly of First Nations and the First Nations Child and Family Caring Society of Canada.

We are disappointed to see the federal government dawdle in addressing serious human rights abuses and discrimination. The federal Liberals must be more transparent with Canadians and must partner with the indigenous community to reform the federal First Nations child welfare program. The Manitoba government must do everything it can to help our First Nations achieve equality, including putting pressure on the federal government to come through on their promise and partner with them to implement new initiatives.

New Democrats are committed to repairing and healing the intergenerational trauma of residential schools, the '60s scoop, missing and murdered indigenous women and girls, and the ongoing effects of government on treaty lands. We are committed to a new relationship.

* (11:50)

We fully support the work done by the Truth and Reconciliation Commission and the recommendation made to advance the lives of indigenous Canadians. We are heartened by this new federal government's commitment to acknowledge past wrongs and take

action to reverse them, and we urge the provincial government to hold them to account for this.

Our NDP government implemented the findings of the Aboriginal Justice Inquiry. We are working on a historic First Nation, Metis and Inuit education policy framework documents. It was meant to ensure that our Manitoba students learn about the histories, cultures, traditional values and knowledge, contemporary lifestyles of indigenous people, the legacy of residential schools and the significance of treaties.

Thank you.

Madam Speaker: According to the order of rotation, the next speaker will be from the government side.

Hon. Ron Schuler (Minister of Crown Services): I always find it an honour to be standing in this great Legislature of ours and put some words on the record on behalf of the wonderful constituents of St. Paul who've sent me here.

Over the years I've had the opportunity to deal with a lot of issues dealing with a lot of different communities in Manitoba, and one of those that I always look to fondly is the opportunity I've had to deal and to work with First Nations on issues that concern them. I would point out that there are some just outstanding and amazing leaders, and as we start talking and going down the path of dealing with First Nations issues, the most important thing we can do is first of all engage First Nations and ask them what they think and where they're coming from and what they—how they view the issues.

In fact, the first two weeks of September, I had the opportunity to travel up the west side of Manitoba and head up north and come down through the Interlake. I had the opportunity to meet with and on various First Nations communities—OCN, War Lake, York Factory, TCN, Fox Lake—and help to get a far better understanding of what the issues are, and I'd like to point out we have great leaders even in this Legislature.

The member for Point Douglas (Mr. Chief), I remember meeting the member for Point Douglas. He was a little younger at that time and was—and he and I met for coffee and had just a great conversation and I had a good opportunity to learn. And he shared with me a lot of his experiences and I, that point in time, had no idea that we'd be serving in the Manitoba Legislature together, and I was very impressed by this young individual.

And in fact, his—we found out we had a connection. His sister-in-law was my children's teacher, so we had a great connection even then, and very impressed with the leadership that he shows in his community. And besides that, he's also a great dancer and travels around with his dance group and does a great, great job for his community in upholding the culture and traditions of his community. And, Madam Speaker, I think what we need to do is continue to engage with our First Nations.

In fact, I would like to share with this House, in the few moments that I have, I was given, in the most beautiful and honourable fashion, seven framed teachings that the First Nations hold very high, and I'm going to share them—I'll share the words with this Chamber. In fact, they are signed copies, beautifully framed, and I've asked the Manitoba Legislature to make them a permanent part of the collection of the Legislature. I will hang them in my office.

They felt when they came in, saw my office, that it was a little bare, and they felt that these seven teachings would be very important. And I would like to read them in the order that they're supposed to be read for this House, because I think we as provincial legislators and as federal legislators should actually have a look at these seven teachings and take them to heart and listen to what the words are. And I'd like to put them on the record.

The first one is the eagle, which symbolizes love. The Creator chose eagle for the spirit of love. This energy reaches the highest of all creatures, giving pure vision to the seeker. Love is considered the most powerful and elusive of all seven teachings. The eagle is the symbol of love.

The second teaching is the buffalo or respect. The Creator chose buffalo for the spirit of respect. The sacred energy is seen in the way it provided all of its body to everyday life. Within the teaching of the sacred law, the buffalo gave loyalty and honour. The buffalo is the symbol of respect.

Three is the bear or courage. The Creator chose bear for the spirit of courage. This ferocious energy can be seen in the protection of the cubs. This mental and moral strength is needed to overcome our fears while having the courage to live our true spirit. The bear is the symbol of courage.

Four: Sabe or honesty. The Creator chose sabe for the spirit of honesty. This energy lived with the people to keep this law made by the Creator. The

highest honour anyone can receive is to be known and called truthful and honest. The sabbath is the symbol of honesty.

Five: Beaver or wisdom. The Creator chose beaver for the spirit of wisdom. This energy shows the importance to build and to provide strong families. In the giving of these gifts, we provide our families with the knowledge to keep the circle strong. The beaver is the symbol of wisdom.

Six: Wolf or humility. The Creator chose wolf for the spirit of humility. This energy can be seen and captured in the submission that all living things are equal. The wolf bowed its head in the presence of others in showing this law. The wolf is the spirit of humility.

And the seventh one is turtle or truth. The Creator chose turtle for the spirit of truth. This energy can be seen on the shell carrying 28 cycle markings and 13 moons as that of a woman's body. This law teaches and represents the gift of life in all living things. The turtle is the symbol of truth.

Madam Speaker, I think all of us, each and every one of us, should get a copy of these, reflect on them as we deal with issues that affect all Manitobans. I would recommend all these teachings to each and every one of us.

Thank you, Madam Speaker.

Madam Speaker: Order.

MATTER OF PRIVILEGE

Hon. Rochelle Squires (Minister responsible for the Status of Women): Madam Speaker, I rise on a point of privilege to speak to an issue which is of great personal importance to me and which has been the subject of a disheartening amount of discussion in this House recently, which is the privilege and rights of a female member being violated by a member of the NDP.

As the Minister of Status of Women, I am committed to working towards gender equality in the province and working towards success for all women in the province. One of the sectors of society where this fight is the hardest is in politics. I am a proud member of a caucus that is fighting to end the idea of an old boys club in politics. I am proud to stand, on this side of the House, every day with the second female attorney general and the first female minister of Indigenous Relations in the history of the province.

The particular incident to which I am referring happened in this House last week. During Question Period, on October 6, the member for St. Johns (Ms. Fontaine) rose to ask me a question, as is her right as a member of this House. There was quite a bit of noise that resulted from both sides, as does happen from time to time in the House. Madam Speaker, you stepped in and restored order, at which time I heard the member for Wolseley (Mr. Altemeyer) say something. Being focussed on the question from what the member—from the member for St. Johns, I did not hear exactly what it was that he had said, simply that he said something in my direction.

After Question Period had finished, a number of my colleagues came to me to tell me that the member for Wolseley had said—what he had said. They told me that he had yelled: Take your pants off.

Madam Speaker, I believe that my caucus colleagues told me the truth, but I knew that matters such as this one cannot be decided on hearsay. That is why I instructed staff to obtain a recording of the proceedings from your office. This audio recording from the Hansard Branch was provided to us this morning. As is regular practice, the recording was also provided to the NDP caucus and the independent members.

* (12:00)

As a result of my duties as minister, I was unable to attend the House proceedings this morning until this moment. That is why I now stand in my place at the earliest available opportunity to claim that my rights as a member have been breached.

The audio recording provided shows very clearly that the member did indeed say: Take your pants off—as I rose in my place to answer a question from the member from St. Johns.

Madam Speaker, this comment is outrageous, offensive and not befitting of this place. In any other workplace, if a male colleague were to shout across a boardroom table the phrase take your pants off, there would certainly be immediate repercussions.

Manitobans are seeing a clear pattern of behaviour from some members of the opposition.

Madam Speaker, we all need to work together to make this place accepting to all members. Creating an environment of sexual discrimination and sexual harassment is not the way to encourage participation of more women in politics or in this place.

Just last week we saw my colleague, the member for Fort Richmond (Mrs. Guillemard) rise in this place to call out the type of behaviour by members from the NDP side, and I rise to do once again.

And so I move, seconded by the member from Seine River, that my privilege as a parliamentarian has been breached and that the member for Wolseley (Mr. Altemeyer) should apologize to this House.

Thank you, Madam Speaker.

Madam Speaker: Before recognizing any other members to speak, I would remind the House that remarks at this time by honourable members are limited to strictly relevant comments about whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

Mr. Jim Maloway (Official Opposition House Leader): This matter of privilege clearly takes me by surprise. Having just received a copy of the tape no more than a half hour or so ago, and having delivered it to our caucus, I'm sure that we will take the opportunity to listen to it and ascertain whether or not there is any sort of content there that would allow for a prima facie case to be established.

As far as the earliest—so, in terms of the earliest opportunity, I am not certain that it is in fact being presented at the earliest opportunity. In terms of a motion being present, clearly the member has presented a motion, and in terms of the prima 'fakie'-facie case, I would simply have to investigate further to ascertain whether there in fact is a case or not.

Madam Speaker: A matter of privilege is a serious concern. I am going to take this matter under advisement to consult the authorities and will return to the House with a ruling.

RESOLUTIONS

(Continued)

Res. 6—Equality for First Nations People

(Continued)

Debate

(Continued)

Madam Speaker: Returning now to debate on the resolution.

Ms. Judy Klassen (Kewatinook): I want to kindly remind everyone that the NDP was not in power in every province. We have heartbreaking facts and appalling statistics regarding the indigenous people all over turtle country—Turtle Island, across Canada.

Let's clearly address what the resolution is; it's an urge to collectively call upon the federal government. How many times has the government done the very same from our Liberal caucus? If this government wants to make Manitoba the most improved province, for once it needs to lead the way. Join us in supporting this resolution.

The government had spent billions studying us. The government is having consultations with our leaders. During our respective campaigns, we all went door to door to the grassroots people, and it is from both those and our leaders that we have garnered this knowledge. Believe me when I say we are tired of being studied. We have the new RCAP—Royal Commission on Aboriginal Peoples—this time entitled the TRC commission. Every day, we are burying our people from highly preventable causes.

It was in 2007, the First Nations Child and Family Caring Society and the Assembly of First Nations filed a complaint against the federal government of Canada, alleging that child-welfare services provided to First Nations children and families on reserve were flawed, inequitable and discriminatory. They ask that the tribunal find that First Nations children are being discriminated against and order appropriate remedies.

The government countered this, stating its services cannot be compared to those provided by provinces and territories, and that they do not offer a servants—do not offer a service in accordance with the Canadian Human Rights Act. Accordingly, the government asked this case be dismissed.

We've been waiting a decade for this. Join us in our support for my colleague. Thank you.

Mr. Greg Nesbitt (Riding Mountain): Thank you, Madam Speaker, for the opportunity to put a few words on the record regarding the member for Fort Rouge's (Mr. Kinew) private member resolution.

Our new government believes it's very important that we learn from the past and take steps to ensure that we move forward positively. And let me tell you, Madam Speaker, we have learned all too well from the NDP's record. This record of debt, decay and decline in all facets of government in this province has cost people from all walks of life, including our First Nations people. Manitoba has the second highest percentage at 62 per cent of First Nations children living in poverty, double the national percentage under the previous government.

On Manitoba's reserves, just over 25 per cent of students finish high school under the NDP, a rate lower than in some developing countries. By comparison, the graduation rate in public high schools across Canada is 85 per cent.

Recent statistics show that Aboriginal persons in rural areas made up the highest percentage of food-bank users in Manitoba at 56.5 per cent. Rather than building relationships with the First Nations people, the NDP's plan was, as it was in many areas of government, to throw money at all problems that came up rather than deal with the root causes.

Madam Speaker, the First Nations population is the fastest growing demographic in this province. Our new government believes that an important part

of rebuilding the Manitoba economy is including everyone in ensuring that Manitobans have a say at the grassroots level.

This summer, as the member for Riding Mountain, I had the opportunity, along with the Minister of Indigenous and Municipal Relations (Ms. Clarke) to meet with the chief and council of the Waywayseecappo First Nation, which is one of four First Nations in my constituency.

Madam Speaker: Order. When this matter is again before the House, the honourable member will have eight minutes remaining.

The hour being 12–past 12 p.m., this House is recessed and stands recessed until 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, October 13, 2016

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