

Manitoba Government

**Regulatory Accountability Report
2022/23**

Regulatory Accountability Secretariat

September 2023

Manitoba Government

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Land Acknowledgement

We recognize that Manitoba is on the Treaty Territories and ancestral lands of the Anishinaabe, Anishinewuk, Dakota Oyate, Denesuline and Nehethowuk peoples.

We acknowledge Manitoba is located on the Homeland of the Red River Métis.

We acknowledge northern Manitoba includes lands that were and are the ancestral lands of the Inuit.

We respect the spirit and intent of Treaties and Treaty Making and remain committed to working in partnership with First Nations, Inuit and Métis people in the spirit of truth, reconciliation and collaboration.

Reconnaissance du territoire

Nous reconnaissons que le Manitoba se trouve sur les territoires visés par un traité et sur les terres ancestrales des peuples anishinaabe, anishinewuk, dakota oyate, denesuline et nehethowuk.

Nous reconnaissons que le Manitoba se situe sur le territoire des Métis de la rivière Rouge.

Nous reconnaissons que le nord du Manitoba comprend des terres qui étaient et sont toujours les terres ancestrales des Inuits.

Nous respectons l'esprit et l'objectif des traités et de la conclusion de ces derniers. Nous restons déterminés à travailler en partenariat avec les Premières Nations, les Inuits et les Métis dans un esprit de vérité, de réconciliation et de collaboration.



**ATTORNEY GENERAL
MINISTER OF JUSTICE**

Room 104
Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

Her Honour, the Honourable Anita R. Neville, P.C., O.M.
Lieutenant Governor of Manitoba
Room 236 Legislative Building
Winnipeg MB R3C 0V8

May It Please Your Honour:

I have the privilege of presenting, for the information of Your Honour, the Regulatory Accountability Report for the fiscal year ended March 31, 2023.

Respectively submitted,

Original signed by

Honourable Kelvin Goertzen
Minister of Justice





**Procureur général
Ministre de la Justice**

Palais législatif,
bureau 104
Winnipeg (Manitoba) CANADA
R3C 0V8

Son Honneur l'honorable Anita R. Neville, P.C., O.M.
Lieutenante-gouverneure du Manitoba
Palais législatif, bureau 235
Winnipeg (Manitoba) R3C 0V8

Madame la Lieutenante-Gouverneure,

J'ai l'honneur de vous présenter, à titre d'information, le Rapport sur la responsabilisation en matière de réglementation pour l'exercice qui s'est terminé le 31 mars 2023.

Le tout respectueusement soumis,

Le ministre de la Justice





Room 44, Legislative Building
Winnipeg, MB R3C 0V8
www.manitoba.ca

The Honourable Kelvin Goertzen
Minister of Justice
Room 104, Legislative Building
Winnipeg, MB R3C 0V8

Dear Minister Goertzen:

I am pleased to present the Regulatory Accountability Report for the fiscal year ended March 31, 2023.

The report shows the progress made in advancing regulatory accountability across the Manitoba government including the total number of regulatory requirements at the end of 2022/23 and prior fiscal years, and the net change in the total number of regulatory requirements during 2022/23.

The report also explains the method used to determine the number of regulatory requirements, and provides an assessment of other regulatory accountability initiatives and activities throughout the fiscal year.

Respectfully submitted,

Original Signed By

Elliot Sims

Associate Clerk of Executive Council, and
Secretary to the Statutes and Regulations Review Board





Room 44, Legislative Building
Winnipeg, MB R3C 0V8
www.manitoba.ca

Monsieur Kelvin Goertzen
Ministre de la Justice
Palais législatif, bureau 104
Winnipeg (Manitoba) R3C 0V8

Monsieur,

J'ai le plaisir de vous présenter le Rapport sur la responsabilisation en matière de réglementation pour l'exercice qui s'est terminé le 31 mars 2023.

Le rapport montre les progrès réalisés à l'échelle du gouvernement du Manitoba relativement à la responsabilisation en matière de réglementation et indique le nombre total d'obligations administratives à la fin de l'exercice 2022-2023 et des exercices précédents, et la variation nette de ce nombre au cours de l'exercice 2022-2023.

Le rapport explique aussi la méthode utilisée pour déterminer le nombre d'obligations administratives et présente une évaluation des autres initiatives et activités de responsabilisation en matière de réglementation entreprises tout au long de l'exercice.

Le tout respectueusement soumis,

Le greffier adjoint du Conseil exécutif, et secrétaire de la Commission d'examen des textes législatifs et réglementaires

« Original signé par »

Elliot Sims



Principles of Regulatory Accountability ¹

Manitoba's *Regulatory Accountability Act* defines seven principles to guide and provide a foundation upon which effective, consistent, impartial and transparent regulatory accountability is based:

- Achieving balance – The contribution of regulatory requirements to desired public policy outcomes must be weighed against the costs and burdens they impose upon the economy and society
- Identifying the best option – Public policy needs must be clearly defined and the best response must be chosen, based on a thorough exploration and analysis of the range of options (including those that do not result in regulatory requirements)
- Assessing impacts on the public and stakeholders – This is essential to comparing options and minimizing burdens
- Consulting and communicating with the public and stakeholders – This is crucial, giving them a voice and input into the development of regulatory requirements
- Regulatory requirements are to be regularly reviewed – This is to determine their continued relevance or effectiveness vis-à-vis desired public policy objectives, and whether the benefits continue to justify the regulatory costs and burdens
- Monitoring regulatory requirements – This requires accurate measurements of their number and their costs and burdens
- Streamlining design – Duplication and inconsistencies are eliminated between regulatory requirements

¹ The principles of regulatory accountability are described in *The Regulatory Accountability Act* (C.C.S.M. c. R65).

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Regulatory Accountability Report 2022/23

Summary

During fiscal year 2022/23, departments and government agencies introduced 246 new regulatory requirements to help improve services and outcomes for Manitobans. Over the same time period, departments and government agencies reduced regulatory requirements by 9,648. About a third of this reduction followed an internal audit that removed regulatory requirements that entail the agreement of other jurisdictions to change. As a result, the Manitoba government experienced a net overall reduction of 9,402 (-1.12%) regulatory requirements in 2022/23. Since the baseline count on April 1, 2016, there has been a reduction of 106,753 regulatory requirements (-11.36%).

Sommaire

Au cours de l'exercice 2022-2023, les ministères et les organismes du gouvernement ont introduit 246 nouvelles obligations administratives pour aider à améliorer les services et les résultats pour les Manitobains et ils en ont éliminé 9 648. Environ un tiers des obligations administratives supprimées l'ont été à la suite d'une vérification interne qui a permis d'éliminer des obligations qui demandaient l'accord d'autres gouvernements pour pouvoir être changées. Grâce à cela, le gouvernement du Manitoba a réduit de 9 402 (-1,12 %) le nombre de ses obligations administratives en 2022-2023. Depuis la date de référence du 1^{er} avril 2016, le nombre d'obligations administratives a été réduit de 106 753 (-11,36 %).

Regulatory Accountability in Action

Regulatory accountability is about having sound and modern regulatory requirements that efficiently and effectively achieve essential health and safety, economic, environmental and social outcomes.

A regulatory requirement is an action or piece of information that is required to access provincial programs or services, carry on business, or meet legal responsibilities under provincial statute, regulation, policy or form

Regulatory accountability occurs when regulatory requirements achieve desired public policy outcomes efficiently and effectively

Red tape results when regulatory requirements are not achieving their desired outcomes or do so in an inefficient manner.

Reducing red tape means eliminating unnecessary regulatory requirements and the burdens they impose on stakeholders and government, thereby helping individuals, businesses, nonprofits and governments to together build a more sustainable, resilient and prosperous future

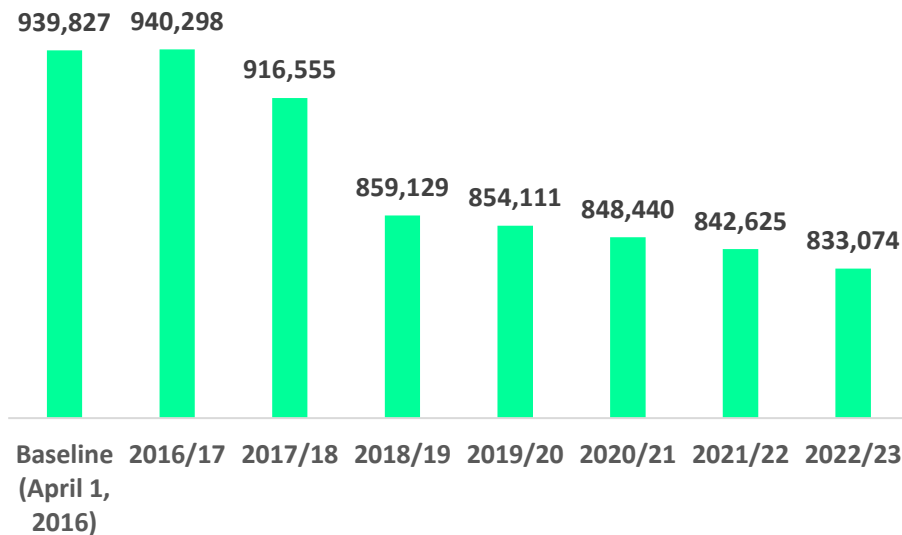
Outcomes

Changes in Provincial Regulatory Requirements

During 2022/23, departments and government agencies created 246 new regulatory requirements and eliminated 9,648 regulatory requirements, resulting in a net overall reduction of 9,402 (-1.12%).

Since the April 1, 2016 baseline count, regulatory requirements have been reduced on a cumulative basis from 939,827 to 833,074, which is a reduction of 106,753 regulatory requirements, or -11.36% (see Chart 1).

Chart 1 – Regulatory Requirements by Fiscal Year



Modern Tools and Technologies

Manitoba uses several processes for developing statutes, regulations, policies and forms across departments and government agencies. These processes incorporate tools and technologies that engage stakeholders and the public to promote openness, trust and transparency in policy development. These processes also enable departments and government agencies to better monitor, manage and streamline requirements, taking into account the purpose, usefulness and effectiveness of the regulatory requirements.

- The Regulatory Accountability Database that is used by all departments and government agencies is a comprehensive central information and workflow management system to create, modify, remove and report on regulatory requirements. It is used to manage regulatory projects for the creation and modification of forms, policies, regulations and statutes across the Manitoba government.
- The Manitoba Forms and Policies Portal provides a single online location to make government forms and policies accessible to the public. The Portal complements the Manitoba Laws website, which provides a comprehensive listing of Manitoba statutes and regulations.
- Manitoba’s Regulatory Accountability Impact Analysis tool is integrated with the Regulatory Accountability Database and is used to assess the estimated benefits and costs to the public and stakeholders that result from regulatory requirements, which aids in evidence-based policy development.

- The annual *Reducing Red Tape and Improving Services Act* promotes regulatory accountability by making it easier for departments and government agencies to enact minor changes to statutes for the purposes of improving services or reducing red tape.
- The Manitoba Regulatory Consultation Portal provides an online platform for departments and government agencies to post proposed regulations that contain regulatory requirements. During the fiscal year, a total of 19 regulatory projects were posted for a 45-day public comment period. Comments submitted by the public and stakeholders are then incorporated into the regulatory development process by departments and government agencies.

Interprovincial Regulatory Accountability

Manitoba participates in pan-Canadian efforts to address interprovincial/territorial trade barriers in various federal-provincial-territorial fora.

Canadian Free Trade Agreement (CFTA) activities

In January 2023, Manitoba announced the removal of additional exceptions under the CFTA on naming and business activity restrictions for corporations providing land surveying services, office location requirements for inter-jurisdictional law firms, and residency requirements for individuals applying for wild rice harvesting and export licences.

Manitoba also works with other federal, provincial and territorial governments to address barriers that hinder trade and labour mobility through the CFTA's Regulatory Reconciliation and Cooperation Table (RCT).

Through the RCT, Manitoba has participated in the negotiation of 14 regulatory reconciliation agreements since late 2017 when the RCT began its work. In the last fiscal year, five reconciliation agreements were negotiated, the first three of which have been implemented in Manitoba:

- *Occupational health and safety (first aid kits)*
- *Electronic logging devices (instead of an RCT reconciliation agreement, Parties supported a federal amendment to its legislation)*
- *Truck driver certification entry-level training*
- *Mobility of gasfitters*
- *Construction codes*

Also through the RCT, Manitoba participated in two areas of regulatory cooperation that were completed in 2022/23:

- *Testing guidelines for automated and connected vehicles*
- *Best practices document for prompt payment legislation and associated regulations under builders' lien agreements.*

Other federal-provincial-territorial fora

- the New West Partnership Trade Agreement (NWPTA), which involves Canada's four western provinces, which works to address unnecessary regulatory differences in order to enhance trade, investment and labour mobility
- the Standards Council of Canada's Provincial-Territorial Advisory Committee, that advises and makes recommendations regarding standardization issues from the perspective of provincial and territorial governments, and leads activities that support regulatory accountability and cooperation through the use and promotion of common standards
- forums such as the federal-provincial-territorial Committee on Regulatory Governance and Reform, where regulatory issues are discussed and information is shared about good regulatory practices

Five-year Legislative Review

A legislated five-year review of *The Regulatory Accountability Act* was undertaken in 2022. The review provided an opportunity to take stock of progress, and consider where improvements can be made to benefit the public, stakeholders and government.

Copies of the review can be viewed at the Manitoba government's Legislative Library. For more information, call 204-945-4330 or toll-free in Manitoba at 1-800-282-8069 (extension 4330), email the Library at legislative_library@gov.mb.ca or visit their webpage at <https://www.manitoba.ca/leg-lib>.

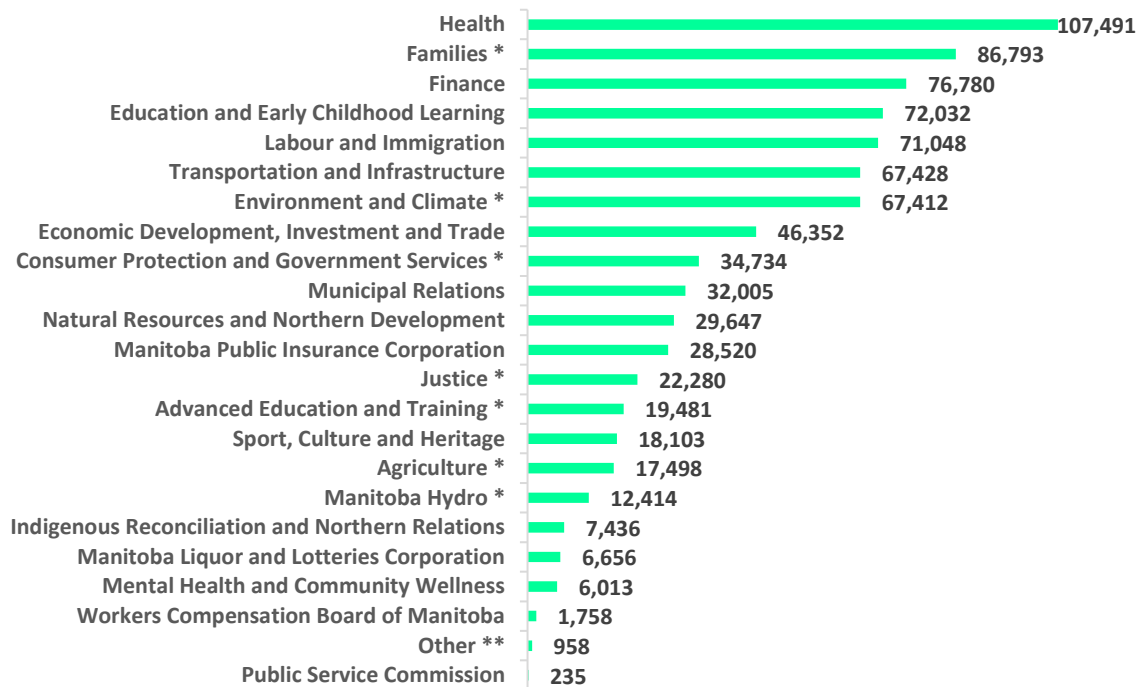
Statistical Results – Departments and Government Agencies

Inventory of Regulatory Requirements

Chart 2 shows the total number of regulatory requirements by Manitoba government departments and agencies as of March 31, 2023.

Departments and government agencies vary in terms of their number of regulatory requirements. Those with the largest number of regulatory requirements are Health (107,491), Families (86,793) and Finance (76,780).

Chart 2 – Regulatory Requirements by Department and Government Agency as of March 31, 2023



* Includes minor adjustments to correct the assignment of a total of 149 regulatory requirements

** 'Other' includes regulatory requirements that are not assigned to a department or government agency

Changes in Regulatory Requirements

Table 1 shows the net and percentage change in regulatory requirements in 2022/23, by Manitoba departments and government agencies.

Table 1 – Changes in Regulatory Requirements by Department and Government Agency during 2022/23

Department and Government Agency	Net Change *	Percentage Change **
	April 1, 2022 - March 31, 2023	
Advanced Education and Training	-16	-0.07%
Agriculture	-1,100	-5.87%
Consumer Protection and Government Services	0	0.00%
Economic Development, Investment and Trade	-501	-2.02%
Education and Early Childhood Learning	19	0.03%
Environment and Climate	-7	-0.01%
Families	-19	-0.02%
Finance	0	0.00%
Health	-1,998	-1.82%
Indigenous Reconciliation and Northern Relations	0	0.00%
Justice	-26	-0.12%
Labour and Immigration	-4	0.00%
Manitoba Hydro	-1,326	-9.69%
Manitoba Liquor and Lotteries Corporation	0	0.00%
Manitoba Public Insurance Corporation ***	-3,804	-11.77%
Mental Health and Community Wellness	-51	-0.84%
Municipal Relations	-36	-0.11%
Natural Resources and Northern Development	-3	-0.01%
Public Service Commission	0	0.00%
Sport, Culture and Heritage	0	0.00%
Transportation and Infrastructure	-530	-0.79%
Workers Compensation Board of Manitoba	0	0.00%
Other ****	0	0.00%
Total	-9,402	-1.12%

* Net change is calculated by combining new and eliminated regulatory requirements (excluding transfers)

** Percentage change is calculated by dividing the net change by the number of regulatory requirements as of April 1, 2022

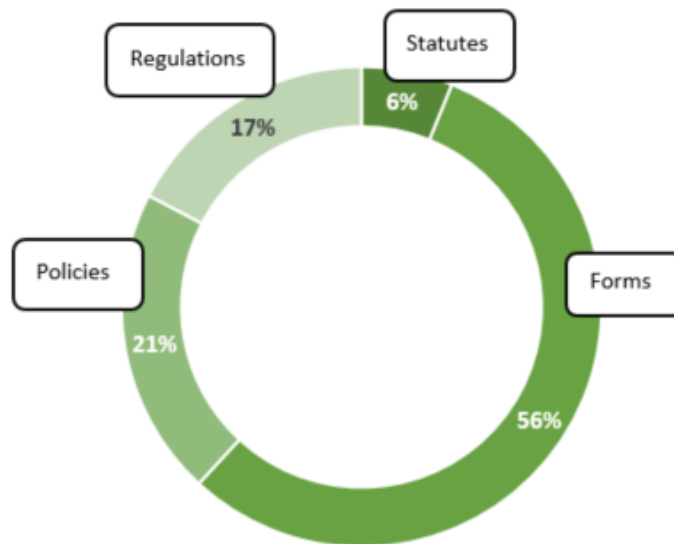
*** Net change reflects the outcome of an internal assessment of regulatory requirements, which determined a number were out of scope

**** 'Other' includes regulatory requirements that are not assigned to a department or government agency

Sources of Regulatory Requirements

Chart 3 shows the share of regulatory requirements by type of policy instrument across departments and government agencies. As was the case in previous reporting years, the largest share of regulatory requirements is found in forms (56%) and policies (21%), followed by regulations (17%) and statutes (6%).

**Chart 3 – Share of Regulatory Requirements by Instrument Type
as of March 31, 2023**

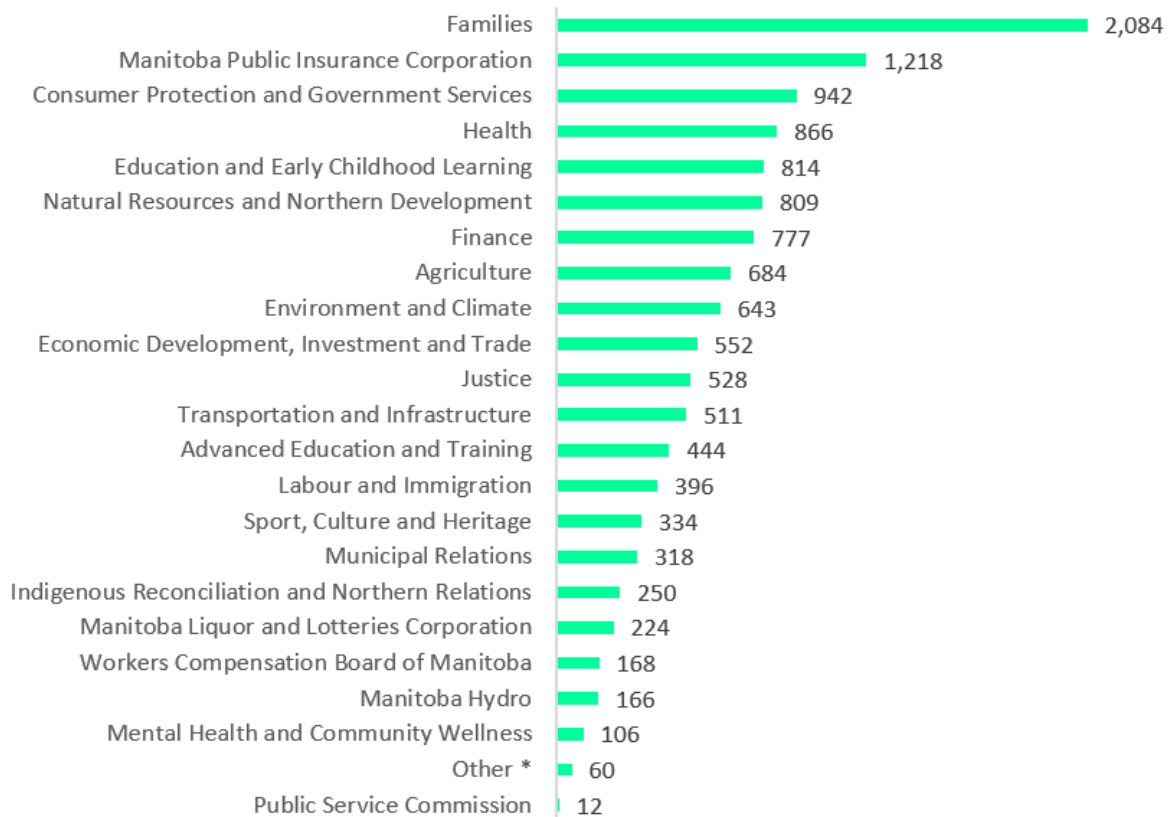


Regulatory Instruments by Department and Government Agency

Chart 4 shows the total number of regulatory instruments, including statutes, regulations, policies and forms, by department and government agency as of March 31, 2023.

During the fiscal year, regulatory instruments and their regulatory requirements were transferred between departments and government agencies as a result of government reorganization. For further details, see Annex B – Transfers of Regulatory Requirements during 2022/23.

Chart 4 – Regulatory Instruments by Department and Government Agency as of March 31, 2023



* 'Other' includes regulatory instruments that are not assigned to a department or government agency

Annex A – Regulatory Requirement Accounting Method

As a result of reorganizations, departments and government agencies may be created or eliminated, and divisions and programs may move from one department or agency to another. These changes often result in departments and agencies realizing an increase or decrease in regulatory requirements through transfers of regulatory responsibility for specific statutes, regulations, policies and forms. These transfers do not change the total government-wide number of existing regulatory requirements; however, they do impact the number of instruments and regulatory requirements within individual departments and government agencies.

The method of accounting for regulatory requirements was updated in 2020/21 to accurately account for transfers and changes in the number of regulatory requirements resulting from regulatory activities. In calculating the net and percentage changes in regulatory requirements by department and government agency as shown in the report, the transfers of regulatory requirements between departments and government agencies are excluded, thereby allowing net and percentage changes to be accurately reported.

Many regulatory systems rely on regulatory requirements that are inter-connected within statutes, regulations, policies and forms. As a result, changes to these systems may take place over several years and must be reviewed in whole to determine the impact on Manitoba individuals, businesses, nonprofits and local governments.

In 2022/23, there were a number of projects initiated to modernize broad regulatory systems. Changes to regulatory requirements associated with these projects will be registered in the fiscal year that the regulatory projects are completed.

Annex B – Transfers of Regulatory Requirements between Departments and Government Agencies during 2022/23

The following table shows transfers of regulatory requirements between government agencies and departments due to reorganizations and reassignment of statute and program responsibilities.

Department and Government Agency	Transferred In	Transferred Out
Advanced Education and Training	0	1,788
Agriculture	0	138
Economic Development, Investment and Trade	22,407	329
Education and Early Childhood learning	1	0
Environment and Climate	0	6,011
Families	251	117
Finance	3	137
Health	117	199
Indigenous Reconciliation and Northern Relations	0	0
Justice	22	192
Labour and Immigration	71,052	0
Consumer Protection and Government Services	479	69,092
Manitoba Hydro	0	0
Manitoba Liquor and Lotteries Corporation	0	0
Manitoba Public Insurance Corporation	0	0
Mental Health and Community Wellness	0	0
Municipal Relations	0	10
Natural Resources and Northern Development	5,991	23,506
Public Service Commission	0	0
Sport, Culture and Heritage	0	0
Transportation and Infrastructure	1,196	0
Workers Compensation Board of Manitoba	0	0
Other *	638	638
Total	102,157	102,157

* 'Other' includes regulatory requirements that are not assigned to a department or government agency

Regulatory Accountability Secretariat

Email: RAS@gov.mb.ca

The Regulatory Accountability Secretariat provides analytical and decision-making support to the Statutes and Regulations Review Board, which is the Cabinet committee responsible for overseeing and coordinating the proposed legislative and regulatory initiatives of the Manitoba government.

The Secretariat works with all Manitoba government departments and agencies to facilitate the monitoring and analysis of regulatory requirements to ensure their desired policy outcomes are achieved with the least impact possible on individuals, local governments, nonprofits and businesses.

