
Manitoba



Annual Report
2002, 2003, 2004, 2005 and 2006

**The Manitoba Labour
Management Review
Committee**

January 1, 2002 – December 31, 2006

Honourable Nancy Allan
Minister of Labour and Immigration
Province of Manitoba
Room 317 Legislative Building
Winnipeg, Manitoba R3C 0V8

Dear Minister Allan:

On behalf of the Manitoba Labour Management Review Committee, I have the honour to submit to you the Committee's Report for the five year period ending December 31, 2006.

The Committee hopes the report will be informative and useful to members of the Legislative Assembly.

Yours sincerely,

Michael Werier
Chairperson

REPORT OF
THE MANITOBA LABOUR MANAGEMENT REVIEW COMMITTEE

JANUARY 1, 2002 TO DECEMBER 31, 2006

HISTORY

The Labour Management Review Committee (LMRC) was established in 1964 by a unanimous resolution of the Legislature. In its original form, the Committee's mandate was to undertake a continuing and comprehensive review of labour legislation and labour-management relations in the Province of Manitoba.

The LMRC, with equal representation from labour and management, came into being as the culmination of a process which began in 1963. Several labour-management seminars were held over a 12-month period to examine the main aspects of industrial relations in Manitoba. Labour and management representatives attended these sessions, and a consensus developed that the establishment of a permanent committee representing both parties would make a valuable contribution to labour-management relations. In the Speech from the Throne of February, 1964, the government announced its intention to establish such a committee. The Manitoba Labour Management Review Committee was formed shortly thereafter.

STRUCTURE

In a review of the LMRC conducted in 1999, committee members examined their role and function and developed a new structure and mandate to improve committee effectiveness in providing timely advice to the Minister of Labour. From 1989 to 2000, the LMRC was guided in its activities by a Steering Committee (6 members), which coordinated the work of the Full or Main committee (26 members). The Steering Committee was responsible for setting the direction and focus of sub-committees and performing much of the policy review work of the LMRC. It then reported back to the Main committee for final review and approval of various policy issues.

In April 2000, the structure of the Committee was changed. The membership of the LMRC currently consists of 5 labour and 5 management representatives (decided as appropriate by the labour and management constituencies), a chairperson, a vice-chairperson, a government representative and a secretary (appointed by the Minister of Labour). The length of term and conditions of appointment are determined by the respective caucuses. Each caucus co-chair is responsible for ensuring that there are processes in place for obtaining input and representation from their broader constituencies and for keeping them informed on committee developments.

The Arbitration Advisory Sub-Committee was retained but the other standing committees (Health Sector Working Group and Construction) were disbanded. It was decided that new sub-committees or working groups would be created as needed with the membership to be determined by each caucus.

Another change that took effect in 2000, was the addition of alternate members to the LMRC. Each caucus has named one individual to attend those meetings where there are not enough regular members to meet a quorum of 3 representatives each for labour and management.

Please see Appendix A for membership of the LMRC and its sub-committees as of December 31, 2006.

METHODS OF OPERATION

The LMRC has felt, since its inception, that open and frank discussions would best be facilitated if attendance was restricted to committee members only.

The minutes of committee meetings, are produced for the benefit of the members and their respective caucuses. Members are generally not identified in the proceedings.

In addition, a communications' guideline has been developed for dealing with questions from the media or stakeholder groups. Generally, the guideline states that members are free to express their own opinions on issues as long as it is understood that these comments are those of the individuals and not that of the LMRC. Only the chairperson or individuals designated by the chairperson, can speak about matters before the committee. A copy of the guideline is contained in Appendix B.

When the LMRC arrives at a decision which has majority support from each side, the recommendations for action are then forwarded to the government or the appropriate body.

The Chairperson of the LMRC communicates regularly with the Minister of Labour and departmental officials to update them on the current and planned activities of the committee.

From time to time, the LMRC decides to examine issues of broad interest to labour and management. When appropriate, seminars or conferences are organized to which a variety of interested individuals and groups may be invited. The proceedings of these conferences are published when they are felt to be of lasting value and interest to a wide readership.

The LMRC is assisted in its work by the research facilities of the Manitoba Department of Labour and Immigration. A staff person of the department also functions as the LMRC's secretary.

Labour and management members serve voluntarily on the LMRC without remuneration for the time they devote to its work.

MANDATE AND GUIDING PRINCIPLES

The mandate of the Labour Management Review Committee is as follows:

MANDATE

MISSION

The Manitoba Labour Management Review Committee's mission is to promote a harmonious labour relations climate and to foster effective labour-management cooperation in support of the economic and social well-being of Manitobans.

OBJECTIVES

1. To provide leadership in promoting labour-management cooperation and fostering a stable labour relations climate in Manitoba.
2. To provide the Manitoba Government with an ongoing review of proposed labour legislation with the intent of reaching consensus between labour and management whenever possible.
3. To respond to problem areas in labour-management relations and to develop policies/initiatives to resolve them.
4. To discuss, on an ongoing basis, emerging issues of common concern towards a better understanding of each other's point of view.

GUIDING PRINCIPLES

- Take leadership in promoting effective labour-management relations.
- Provide objective and independent advice to government and others.
- Identify and address emerging labour-management relations issues.
- Seek consensus on issues and where honest differences occur, identify the differing views of labour and management.
- Communicate with the labour-management community on relevant issues.
- Act as an effective sounding board for proposed government policy.
- Operate as an autonomous but responsive entity in relation to the provincial government.

COMMITTEE ACTIVITIES – 2002, 2003, 2004, 2005 and 2006

1. Employment Standards Legislation

In 2006, the Labour Management Review Committee (LMRC) undertook an extensive review and assessment of The *Employment Standards Act*. The Committee was asked to consider a set of proposals based on feedback from public hearings and in May 2006 submitted a number of consensus recommendations to the Minister of Labour and Immigration. In November, the Committee provided Minister Allan with another consensus report on regulatory changes which the Minister released in conjunction with the introduction of the proposed legislation. The public review also looked at increasing coverage of the agricultural workers under the Code, given that Manitoba currently has the least coverage in the country for these workers. The LMRC has been discussing this matter with agricultural industry stakeholders and in the November consensus report recommended these consultations continue so that any changes provide appropriate protections while reflecting the unique circumstances in the industry. Throughout this whole process, the success of stakeholder participation and the Committee's commitment to consult with their respective constituencies ensured that a complete and detailed study was undertaken in developing public policy.

2. Appointment of New Chair of the Labour Management Review Committee

After many years of exceptional leadership, enthusiasm and guidance, Professor Wally Fox-Decent retired in 2005 as Chairperson of the LMRC. The Committee welcomed Mr. Michael D. Werier as Chairperson following a joint recommendation by the Manitoba Employers Council and the Manitoba Federation of Labour on a nominee to replace Professor Fox-Decent. Mr. Werier areas of expertise are labour and employment law and civil litigation, in addition he is a partner in the law firm of D'Arcy and Deacon. He is an experienced mediator and arbitrator in labour disputes, and a member of numerous professional and volunteer organizations.

3. Arbitration Advisory Sub-Committee Activities

Section 117(2) of *The Labour Relations Act* provides that the Manitoba Labour Board establish and maintain a list of arbitrators in consultation with representatives of employers and employees. Since this provision came into effect in 1985, consultation has been achieved using the Arbitration Advisory Sub-Committee of the LMRC.

January 2006 was the last time the LMRC reviewed the list maintained by the Manitoba Labour Board and submitted proposals to the Board regarding the addition and deletion of arbitrators.

4. Alternate Dispute Settlement Provisions

Section 87.4 of *The Labour Relations Act* requires the Minister of Labour and Immigration to ask the Labour Management Review Committee to review and report on the operation of Sections 87.1 to 87.3 of the Act every two years. These sections of the Act contain provisions for alternate dispute settlement following a work stoppage of at least 60 days.

First biennial review, 2002

The LMRC was requested by the Minister to review these provisions in terms of their effectiveness. In December 2002, the LMRC submitted a report to the Minister that contained consensus recommendations to improve procedures and avoid delays. In June 2004, amendments were made to this section based on the consensus recommendations of the LMRC.

Second biennial review, 2004

The LMRC was asked in October 2004 to conduct a second review of these procedures. In February 2005, after consultation with their respective constituencies, the Labour Caucus and the Management Caucus of the LMRC reported to the Minister that nothing further was required with respect to those sections of the Act.

5. Compassionate Care Leave and Job Protection Following Statutory Leaves

In September 2003, the Labour Management Review Committee was asked by the Minister to provide advice and recommendations regarding proposed amendments to *The Employment Standards Code*. The proposals were to provide for unpaid compassionate care leave and to improve job protection for employees who take a legislated maternity leave, parental leave, or compassionate care leave. In November 2003, after a comprehensive review of the government's proposals, the LMRC provided the Minister with consensus recommendations. All of the LMRC's recommendations were incorporated into the *The Employment Standards Code* that took effect in January 2004.

CONCLUSION

Throughout the past 40 years, The Manitoba Labour Management Review Committee, together with its sub-committees, has been very successful in promoting a harmonious labour relations climate. The Committee remains a critical and valuable resource for labour-management consultation and cooperation across a wide range of issues of consequence to the province. The LMRC has a unique capability to give a balanced assessment of issues as they may impact both labour and business. Effective dialogue and cooperation between the labour market stakeholders and with government is recognized as a crucial step in building a strong and vibrant economy in Manitoba.

The Committee therefore urges the Government of Manitoba to utilize the LMRC for feedback and advice on all labour relations matters. This would ensure that proposed regulatory and policy changes benefit from reviews that balance the perspectives from both business and labour. In turn, this would help promote commitment as well as a positive working relationship among the key stakeholders.

APPENDIX A

COMMITTEE AND SUB-COMMITTEE MEMBERSHIP

AS OF DECEMBER 31, 2006

MANITOBA LABOUR MANAGEMENT REVIEW COMMITTEE
MEMBERSHIP
AS OF DECEMBER 31, 2006

Labour Representatives

Darlene Dziewit
Manitoba Federation of Labour

Bill Comstock
Manitoba Government and
General Employees' Union (retired)

Dave Martin
Manitoba Building and Construction
Trades Council

Robert Ziegler
United Food and Commercial Workers
Local 832

Wally Pindera
Manitoba Teachers' Society (retired)

Alternates

Jim Murphy
Operating Engineers of Manitoba

Management Representatives

Peter Wightman
Construction Labour Relations
Association of Manitoba

William Gardner
Pitblado

Ken Entwistle
Hudson Bay Mining and Smelting

Darcy Strutinsky
Winnipeg Regional Health Authority

Jim Witiuk
Canada Safeway Limited

Chairperson

Michael D. Werier

Vice-Chairperson

John Atwell

Government Representative

Rick Rennie

Secretary

Jay Short

Logistical/Other Support

Karen Lockhart

**ARBITRATION ADVISORY SUB-COMMITTEE
MEMBERSHIP
AS OF DECEMBER 31, 2006**

Labour Representatives

Darlene Dziewit
Manitoba Federation of Labour

Vacant
(Due to Paul Moist's departure from
Canadian Union of Public Employees)

Wally Pindera
Manitoba Teachers' Society (retired)

Bruce Buckley
Manitoba Government and General
Employees' Union

Alternates

Paul Labossiere
PML Maintenance

Chairperson

Government Representative

Secretary

Management Representatives

William Gardner
Pitblado

Darcy Strutinsky
Winnipeg Regional Health Authority

Terry Voss
University of Manitoba

Jim Witiuk
Canada Safeway Limited

David Lewis
Manitoba Government and General
Employees' Union

Michael D. Werier

Glenda Segal/Peter Ogrodnik

Karen Lockhart

APPENDIX B

COMMUNICATIONS' GUIDELINE

PUBLIC INFORMATION GUIDELINE

THE MANITOBA LABOUR MANAGEMENT REVIEW COMMITTEE

Information on labour management issues should generally be publicly available, not only because of its importance to the public, but because of the openness required by "right-to-know" legislation at both the provincial and federal levels.

The general Guideline will be followed by the members of the Labour Management Review Committee and its sub-committees under the following parameters:

1. The Chairperson of the LMRC will act as the spokesperson for the Committee on all matters under consideration by the Committee. Notwithstanding this procedure:
 - a) Another person(s) may be designated by the LMRC for a specific matter(s); or
 - b) Another person(s) may be designated by the Chairperson in the absence of the Chairperson.
2. Matters under active consideration by the LMRC may be commented on in general terms, but not specifically, unless so considered and agreed to by the Committee.
3. Matters concluded by the LMRC may be commented on specifically, provided they do not require further decision by government. In the case that they require further decision, members' comments should so indicate and information should be sought from those required to make the further decisions.
4.
 - a) Members of the LMRC are free to comment on their principal's positions on matters under consideration by the Committee as long as it is made clear that the position is that of the principal and not that of the LMRC; and
 - b) Members of the LMRC may keep their principals apprised of various matters under consideration to the degree appropriate.

PUBLIC INFORMATION GUIDELINE

THE MANITOBA LABOUR MANAGEMENT REVIEW COMMITTEE

(cont'd)

5. Since the LMRC is not a public body, its meetings are closed, except as decided by the Committee. This does not preclude the LMRC from having persons other than members in attendance to facilitate the deliberations of the Committee.
6. Minutes, once approved by the LMRC, will be distributed to all members of the LMRC. (Commentary to follow the procedure outlined in 1, 2 and 3).
7. Materials used in assisting the LMRC in its deliberations should remain within the Committee unless decided otherwise by the Committee:
 - a) If these are the property of groups outside the LMRC, they are under the control of these groups.
 - b) If these are the result of the work of the Department, they are under the control of the Department.
8. All members of the LMRC and its sub-committees are to be provided with a copy of these Guidelines.