



Second Session - Thirty-Sixth Legislature

of the

**Legislative Assembly of Manitoba**

**Standing Committee**

**on**

**Industrial Relations**

*Chairperson*

*Mr. Mike Radcliffe*

*Constituency of River Heights*



**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

**Members, Constituencies and Political Affiliation**

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<b>Name</b>	<b>Constituency</b>	<b>Party</b>
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert, Hon.	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim, Hon.	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David	Riel	P.C.
PALLISTER, Brian, Hon.	Portage la Prairie	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupert Island	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

## THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS

Tuesday, November 5, 1996

TIME – 3 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Mike Radcliffe (River Heights)

VICE-CHAIRPERSON – Mr. Gerry McAlpine (Sturgeon Creek)

ATTENDANCE - 11 – QUORUM - 6

*Members of the Committee present:*

Hon. Messrs. Driedger, Gilleshammer, Reimer, Toews

Messrs. Dyck, Lathlin, McAlpine, Radcliffe, Reid, Robinson, Struthers

## APPEARING:

Mr. Leonard Evans, MLA for Brandon East

## MATTERS UNDER DISCUSSION:

Bill 41–The Fisheries Amendment Act  
 Bill 73–The Construction Industry Wages Amendment Act  
 Bill 50–The Remembrance Day Amendment Act

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**Mr. Chairperson:** Good afternoon, ladies and gentlemen, will the Standing Committee on Industrial Relations please come to order. Before proceeding with the business before the committee, we must elect a Vice-Chairman. Are there any nominations? I will entertain a motion for Vice-Chair.

**Hon. Jack Reimer (Minister of Urban Affairs):** I would move that Mr. McAlpine would become Vice-Chair.

**Mr. Chairperson:** Are there any further nominations? Right, nominations are closed. Mr. McAlpine is the Vice-Chair.

The business before the committee this afternoon is consideration of Bill 26, The Labour Relations Amendment Act; Bill 41, The Fisheries Amendment Act; Bill 50, The Remembrance Day Amendment Act; Bill 73, The Construction Industry Wages Amendment Act; Bill 301, The Native Alcoholism Council of Manitoba Incorporation Amendment Act; Bill 302, The Grand Lodge of Manitoba of the Independent Order of Oddfellows Incorporation Amendment Act.

It is Manitoba's practice to hear public presentation of bills at the committee stage for the members' information. The committee completed the public presentation for the aforementioned bills—sorry, four, Bills 26, 50 and 73, and there is no one registered to speak for Bills 41, 302 or 301.

**Bill 41—The Fisheries Amendment Act**

**Mr. Chairperson:** The committee will now proceed to the clause-by-clause consideration of the bills, and I have had a request to commence with Bill 41.

**Mr. Stan Struthers (Dauphin):** Mr. Chair, are there bills to be distributed? I do not seem to have one in front of me.

**Mr. Chairperson:** While we are waiting for the circulation from the Page, Honourable Minister, do you have an opening statement?

**Hon. Albert Driedger (Minister of Natural Resources):** Yes, thank you, Mr. Chairman, a very short opening statement. Bill 41, The Fisheries Amendment Act, consists of two components. The one component is where we bring leeches under The Fisheries Act. They were excluded before, leeches for bait fishing, and we have consulted with the industry and this will allow us to deal with that as well. The second component of the bill deals with the licensing and quota, the regulations which by and large until this present time always had to be—the

province was basically doing the work but had to get authorization from the federal government. The impact of this was done on the matrix that is basically handed out.

During the debate of the bill itself, there were some concerns expressed as to the impact of The Fisheries Amendment Act on Status Indian fishing rights. It is not mentioned in the bill; it is silent on the bill for the simple reason that it does not deal with it. The Status Indian rights still remain with the federal government, and The Fisheries Amendment Act does not affect Status Indian fishing rights. I distributed that information to members of the opposition yesterday, because the issue was raised with myself during the debate on second reading with some of the members, so I just wanted to clarify that.

Further to that, I just want to say that the provinces of Saskatchewan, Alberta and Ontario have already passed this legislation where basically the province then will deal with the licensing and quotas of the commercial fishery. Having said that, I ask for approval of the bill.

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

**Mr. Struthers:** Mr. Chair, just briefly, I just want to reiterate some of the concerns that we have raised in the House. The first one the minister has touched on already with the aboriginal treaty rights in regard to fishing, and I just want to put on the record that we did appreciate the information that was sent the other day after some of our concerns were raised in the speeches at second reading.

Another concern that I want to put forth is the part of the bill that deals with the Crown having property over the fish habitat in the province of Manitoba. This is something that I would like to see the minister look at and be more specific in the bill as to who exactly has jurisdiction there. I do not want it to be an end run by this provincial government around the federal government and their responsibility in the fish habitat, that work that is going on in our province.

Just flagging those couple of issues, I also want to say that I am uneasy with the amount of power that seems to be falling onto the desk of the Minister of Natural Resources. I would prefer that the bulk of the decision making be to the grassroots level as much as we can get

it. I am not happy with the amount of power that seems to be grabbed up by the minister and allowed in Bill 41. I think we have had some questions most recently having to do with fishing. It should at least raise some flags in the area of a minister having that kind of power.

So with those few comments, Mr. Chair, I think we can move onto more discussion of Bill 41.

**Mr. Driedger:** I just want to indicate to the committee that there are no amendments to this bill.

\* (1510)

**Mr. Chairperson:** The bill will be considered clause by clause. During consideration of the bill, the title and preamble are postponed until all other clauses have been considered in their proper order by the committee.

Clause 1—pass; Clause 2—pass; Clause 3—pass; Clause 4(1)—pass; Clause 4(2)—pass; Clause 4(3)—pass; Clause 5(1)—pass; Clause 5(2)—pass; Clause 5(3)—pass; Clause 6—pass; Clause 7—pass; Clause 8—pass; Clause 9—pass; Preamble—pass; Title—pass. Bill be reported.

That completes the issue on Bill 41. We thank you, Mr. Minister.

The next matter for consideration before the committee is Bill 50. This is The Remembrance Day Act. [interjection]

### **Bill 73—The Construction Industry Wages Amendment Act**

**Mr. Chairperson:** All right, the next matter for consideration will be Bill 73, The Construction Industry Wages Amendment Act. Does the minister have an opening statement?

**Hon. Vic Toews (Minister of Labour):** No, I do not.

**Mr. Chairperson:** Does the honourable critic have an opening statement?

**Mr. Daryl Reid (Transcona):** There we go, Mr. Chairperson, the government member is denying democracy and the opportunity to speak again. Typical of what we have seen with this government, of course,

since this committee and the members of the public as we saw, and this government trying to badger the witnesses that came before this committee talking about Bill 73 and Bill 26 and Bill 50 and the antidemocratic nature of all these bills that this government has introduced during this current session of the Legislature.

Mr. Chairperson, there were a number of presenters who came to this committee last evening, and there was a common theme that was brought forward by those presenters, as I am sure you well know, in that there is definitely a lack of enforcement in the act by the Department of Labour of the current act, in that witness after witness, both business and labour, told members of this committee that what we need in the Department of Labour is the enforcement of the act and that they do not see, even with the changes that the government is proposing here today, that there will not be the enforcement provisions unless the minister agrees to accept amendments that would give the powers and give the tools to the Department of Labour through Employment Standards the opportunity to take corrective and educational action for those who decide they want to circumvent or break The Construction Industry Wages Act of this province.

So, Mr. Chairperson, with those few words I believe that I am prepared to look at clause by clause on Bill 73, although I must request, because we have a number of amendments that we would like to propose on this bill, that the Legislative Counsel be available to me to provide the guidance that is necessary and to, of course, provide me with a copy of those amendments that we have sent for drafting. With those few words, I am prepared to discuss this bill clause by clause.

**Mr. Chairperson:** Thank you very much, Mr. Reid. The bill will be considered clause by clause. During the consideration of the bill, the title and the preamble are postponed until all other clauses have been considered in their proper order by the committee.

Clause 1—pass. Clause 2—I am advised that we have an amendment to Clause 2.

**Mr. Toews:** I move

THAT clause 2(c) of the Bill be amended by adding “and” at the end of the proposed clause (c) of the

definition “heavy construction employees” and by adding the following after the proposed clause (c):

(d) employees who perform construction and maintenance work on hydro-electric transmission lines;

**[French version]**

*Il est proposé que l'alinéa 2c) du projet de loi soit amendé par substitution, au point qui se trouve à la fin de l'alinéa c) de la définition de “employés de l'industrie de la construction lourde”, d'un point-virgule et par adjonction, après cet alinéa, de ce qui suit:*

*d) les employés qui effectuent des travaux de construction et d'entretien sur des lignes de transport d'énergie.*

**Mr. Reid:** I would like the minister to explain why he has brought forward this clause, please.

**Mr. Toews:** The intent of this is to ensure that employees who perform this type of work fall under the definition of heavy construction sector. This has been proposed by Manitoba Hydro, and it is the same kind of amendment that was made in respect of demolition work. Generally, construction work that does not involve the use of heavy construction equipment is considered to be outside of the ambit of heavy construction.

**Mr. Reid:** I thank the minister for that explanation. I also have an amendment that I would like to propose under section 2.

**Mr. Chairperson:** I am advised that there are a number of amendments coming from the minister. Perhaps we could deal with all of the amendments on the same section, yes, on Section 2. Perhaps we could deal with all of the minister's amendments and then look to Mr. Reid's amendment. Is that the will of the committee? [agreed] Mr. Minister, would you review then the balance of your amendments?

**Mr. Toews:** The next amendment is—

**Mr. Chairperson:** Excuse me, I am advised by the clerk that we have an amendment which has just been presented, Clause 2(c) which was just reviewed by the minister. Is the amendment in order?

**Clerk Assistant (Ms. Patricia Chaychuk):** Yes, it is.

**Mr. Chairperson:** Amendment—pass.

**Mr. Toews:** I move

THAT the proposed definition “heavy construction sector”, as set out in clause 2(f) of the Bill, be amended by adding the following after clause (c):

(c.1) the removal of snow from and blading of highways, roads, railroads, runways or parking lots,

[French version]

*Il est proposé que la définition de “secteur de la construction lourde”, énoncé à l’alinéa 2f) du projet de loi, soit amendée par adjonction, après l’alinéa c), de ce qui suit:*

*c.1) l’enlèvement de la neige et le réglage à la niveleuse des routes, chemins, chemins de fer, pistes ou parcs de stationnement;*

In respect of the intent of this particular amendment, the intent is to make it explicit that this type of work falls under the definition of heavy construction sector.

**Mr. Reid:** Can the minister explain what the impact will be on the major municipalities of the province including the City of Winnipeg?

**Mr. Toews:** This is in fact a proposal that has been recommended by those sectors.

**Mr. Reid:** I am well aware of what happened in committee last night, Mr. Minister. I would like your explanation on what impact will be on the municipalities including the City of Winnipeg.

**Mr. Toews:** This makes explicit what is already the practice.

**Mr. Reid:** What will be the impact on the City of Winnipeg, Mr. Minister?

**Mr. Toews:** This will make it clear that the law is that this type of work falls under the definition of heavy

construction sector and ensure that all municipalities and cities know in fact that that is the case.

**Mr. Reid:** And what will be the cost implications for the major municipalities of this province?

**Mr. Toews:** The municipalities have in fact recommended that we do this.

**Mr. Reid:** So then your understanding is that the municipalities are in favour of this inclusion?

**Mr. Toews:** That is my understanding.

**Mr. Reid:** And that there will be no negative cost implications for the municipalities including the City of Winnipeg?

**Mr. Toews:** I do not know what the cost implications are, but it seems to be a reasonable request in view of the fact that this is already the practice.

**Mr. Reid:** Have you consulted with municipalities including the City of Winnipeg on this amendment?

**Mr. Toews:** I have consulted extensively with municipalities.

**Mr. Reid:** Have you consulted with the City of Winnipeg on this amendment?

**Mr. Toews:** I can indicate that we have not specifically consulted with the City of Winnipeg on this particular amendment, but this already is the practice and this simply clarifies the law.

**Mr. Reid:** Thank you.

**Mr. Chairperson:** The amendment before the committee then is to amend 2(f) of the bill by adding (c)(1) the removal of snow from and blading of highways, roads, railroads, runways or parking lots. Is the amendment in order?

**Clerk Assistant:** It is in order.

**Mr. Chairperson:** Amendment—pass. Next amendment.

\* (1520)

**Mr. Toews:** I move

THAT Clause 2(f) of the Bill be amended by striking out "sub-clauses (a) to (k) hereof" and substituting "clauses (a) to (k), (n) and (o)" in clause (l) of the proposed definition "heavy construction sector".

**[French version]**

*Il est proposé que l'alinéa 2f) du projet de loi soit amendé par substitution, à "aux alinéas a) à k) de la présente loi", de "aux alinéas a) à k), n) et o)", de l'alinéa l) de la définition de "secteur de la construction lourde".*

The intent of this particular amendment is to make it clear that the hauling of heavy construction equipment to perform demolition work and to perform work on transmission lines falls under the definition of heavy construction sector. I would simply cross-reference that to Clauses (n) and (o) which were inadvertently omitted in Bill 73.

**Mr. Reid:** What will be the impact on the workforce then that would be engaged in these types of operations?

**Mr. Toews:** This simply makes clear what is already the practice.

**Mr. Reid:** I understand that, but what will be the impact on the workforce that currently is engaged in these type of work activities?

**Mr. Toews:** I understand, given that the practice is already there, my understanding is that they will not impact one way or another. It simply clarifies the law.

**Mr. Reid:** So there will be no impact on the wages on the employees who are in there, and there will be no exclusion of the employees from the wages act that is currently in effect.

**Mr. Toews:** My understanding of this particular amendment is that this in fact ensures that they do receive the heavy construction rate.

**Mr. Reid:** That is fine. Thank you.

**Mr. Chairperson:** Amendment—pass. Next amendment, Mr. Minister.

**Mr. Toews:** I move

THAT clause 2(f) of the English version of the Bill be amended by striking out "demolition," in clause (a) of the proposed definition "industrial, commercial and institutional sector".

**[French version]**

*Il est proposé que l'alinéa 2f) de la version anglaise du projet de loi soit amendé par suppression de "demolition," à l'alinéa a) de la définition de "industrial, commercial and institutional sector".*

The purpose here is that the word "demolition" is being deleted from the definition of industrial, commercial and institutional sector since the intent of Bill 73 is to include all demolition work in the heavy construction sector.

**Mr. Chairperson:** Amendment—pass. The next amendment, Mr. Minister, or that is the end of amendments for Clause 2? [interjection] Mr. Reid has an amendment.

**Mr. Reid:** Mr. Chairperson, I have an amendment. I move

THAT clause 2(b) of the Bill be struck out.

**[French version]**

*Il est proposé de supprimer l'alinéa 2b).*

**Mr. Chairperson:** I am advised by the clerk that the traditional role or traditional practice up until this year has been to vote against a particular line rather than moving to strike it out, but I would put to the committee at this point what the will of the committee is on how to proceed at this point.

**Hon. Albert Driedger (Minister of Natural Resources):** Mr. Chairman, rather than getting to that detail, I would accept the amendment, and then we will vote on it.

**Mr. Chairperson:** All right. What is the will of the committee?

**An Honourable Member:** Call the question.

**Mr. Chairperson:** Agreed? All right. Any further discussion on the amendment?

**An Honourable Member:** Question.

**Mr. Chairperson:** Question.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment.

**An Honourable Member:** Yea.

**Mr. Chairperson:** All those against.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The amendment is defeated.

The next amendment.

#### Formal Vote

**Mr. Reid:** A recorded vote.

**Mr. Chairperson:** A recorded vote, please.

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

**Mr. Chairperson:** The amendment is therefore accordingly defeated. The next amendment.

**Mr. Reid:** I move

THAT clause 2(b) of the Bill be struck out and the following substituted:

(b) by repealing the definition "Greater Winnipeg" and substituting the following:

"Greater Winnipeg" means the area within a 20 mile radius of the point of intersection of Osborne Street and Broadway in Winnipeg: ("conurbation de Winnipeg")

#### [French version]

*Il est proposé de remplacer l'alinéa 2b) par ce qui suit:*

*b) par substitution, à la définition de "conurbation de Winnipeg", de ce qui suit:*

*"conurbation de Winnipeg" Zone comprise dans un rayon de 20 milles à partir du point d'intersection de la rue Osborne et de Broadway, à Winnipeg. ("Greater Winnipeg")*

**Mr. Chairperson:** Any discussion on the motion?

**Mr. Reid:** This is a recommendation that came forward by the Labour Management Review Committee construction subcommittee that had at great length talked about this issue with members of the public and members of the industry, and this was the compromise position that they had come forward with. The current legislation allows for a 30-mile radius from the intersection outside of the corner of this building, and the minister had referred from his department that the former Minister of Labour had referred this matter to the LMRC for that discussion as one of many topics.

The recommendation that came back from that construction subcommittee through the LMRC was that the 20-mile radius be the standard that is used for the determination of construction projects in the Greater Winnipeg area.

I am following on the recommendation that came from the Labour Management Review Committee, which is a compromise position put forward by both business and labour and in consultation with the general public, because they had open meetings on this matter and that I think that it should reflect the consensus that was built by all members of our society and not just the will of the government.

**An Honourable Member:** Question.

**Mr. Chairperson:** All right. The question is called

**Voice Vote**

**Mr. Chairperson:** All those in favour of the amendment.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those against.

**Some Honourable Members:** Nay.

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

**Formal Vote**

**Mr. Reid:** Recorded vote.

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

**Mr. Chairperson:** In my opinion, the amendment is defeated.

The next amendment.

**Mr. Reid:** Mr. Chairperson, I move

THAT clause 2(f) of the Bill be amended by adding the following after the definition “industrial, commercial and institutional sector”:

“journeyman” means a person who has attained

(a) a level of skill that addresses all areas of the trade under an apprenticeship and carries a licence after completing the requirement to qualify, as determined by the licencing authority, or

(b) the standards that are generally accepted as a high level of skill in a trade that is not apprenticeable.

[French version]

*Il est proposé d'amender l'alinéa 2f) par adjonction, en ordre alphabétique, de ce qui suit:*

*“gens de métier” Personne qui a atteint:*

*a) un niveau de compétence qui couvre tous les aspects du métier faisant l'objet de l'apprentissage et qui permet d'obtenir un permis une fois remplies les exigences de qualification déterminées par l'autorité chargée de l'octroi des permis;*

*b) les normes généralement admises comme niveau élevé de compétence dans un métier qui n'en est pas un d'apprentissage.*

**Mr. Chairperson:** Any discussion on the amendment?

**Mr. Toews:** Just in that respect, I would indicate that the definition of journeyman can be done by regulation. There is no need for this amendment.

**Mr. Reid:** I appreciate that the minister is proposing that he or the Lieutenant-Governor-in-Council will have those powers. I would like to ask the minister, then, if it is his intention to include this definition under regulations for the description of journeyman.

**Mr. Toews:** If any changes need be done to the definition of journeyman, we will make the appropriate inquiries and consultations and then make those recommendations to the Lieutenant Governor.

**Mr. Reid:** I believe that presenters at the committee last night referenced the fact that there was problem with some of the subtrades performing work and that they were either journeymen—journeymen, to be politically correct—and that in some cases were apprentices that were termed as subtrades and to circumvent The Construction Industry Wages Act. I think we need to have a clear definition of what represents a journeyman and an apprentice in the act to allow that those individuals are not taken advantage of in the workplace.

**Mr. Chairperson:** Any further discussion on the amendment?

**Formal Vote**

**An Honourable Member:** The question.

**Mr. Chairperson:** The question to call.

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

**Mr. Chairperson:** In my opinion, the amendment is defeated.

Mr. Reid, your next amendment.

\* (1530)

**Mr. Reid:** Mr. Chairperson, I see that we are speeding the process along before even the voice vote. I move

THAT clause 2(f) of the Bill be amended by adding the following after the definition "industrial, commercial and institutional sector":

"standard hours of work" has the same meaning as in The Employment Standards Act; ("durée normale du travail")

**[French version]**

*Il est proposé d'amender l'alinéa 2f) par adjonction, en ordre alphabétique, de ce qui suit:*

*"durée normale du travail" La durée du travail au sens de la Loi sur les normes d'emploi. ("standard hours of work")*

**Mr. Chairperson:** Any further discussion on the amendment?

**Mr. Reid:** I believe that there needs to be a clarification because the minister has referenced throughout the act in several occasions the term "standard hours of work" and that I want to make sure that there is some clear understanding by the intent of the legislation here to reference The Employment Standards Act and that it will not be left just solely to the discretion of some person, whether it be this minister or other ministers of Labour in the future, from having some different interpretation of what standard hours of work refer to.

**Mr. Toews:** Just indicate that The Employment Standards Act cross-references this act, and it is not necessary to have this amendment.

**Mr. Reid:** Is the minister so indicating that the standard hours of work will be as defined in The Employment Standards Act?

**Mr. Toews:** I am indicating that the law as exists as the one that will continue to be applied.

**Mr. Reid:** When the minister references law, is he referring to The Employment Standards Act?

**Mr. Toews:** I am referring to all the laws that govern the employment standards in our province.

**Mr. Reid:** So I take it then that the minister is referencing that The Employment Standards Act will be the guide for the definition of standard hours of work.

**Mr. Toews:** The Employment Standards Act, along with The Payment of Wages Act and other acts regarding the collection of wages or the setting of standards, is the law of Manitoba, and that is the appropriate law that will be referred to by judges or others who need to apply the law.

**Mr. Reid:** Is the minister referencing that there will be some other standard other than 40 hours per week, eight hours per day?

**Mr. Toews:** I am not aware of any other than is already existing in the act.

**Mr. Reid:** Is the minister referencing any other standards other than 40 hours per week, eight hours per day?

**Mr. Toews:** The law speaks for itself, and there is no intent to change the law in any substantive way.

**Mr. Reid:** Is the minister referencing anything other than the standard hours as listed in The Employment Standards Act that references standard hours of work as being eight hours a day, 40 hours per week?

**Mr. Toews:** I have answered the question.

**Mr. Reid:** I do not believe the minister has answered the question. I am just asking for a very simple question, is the minister referencing that the standard hours of work, as explained in The Employment Standards Act of this province, shall be 40 hours per week, eight hours per day? It is a pretty simple question. It is either a yes or no answer.

**Mr. Toews:** You know, if my friend for Transcona wishes an entire lecture on The Employment Standards Act, all the regulations that can affect the hours of work, the exemptions that can be granted under the present act, perhaps he could sit down with the director of Employment Standards, and the director of Employment Standards can give him a little lecture on that. I have already indicated that the amendment that he requires is not necessary.

**Mr. Reid:** I appreciate the minister's offer. That offer has been made to me just last evening on that legislation, and I have indicated to the director of Employment Standards that I will, at his invitation, sit down with the staff, but I must advise the minister here that both the minister and myself and other members of this committee are the elected representatives. I am asking an elected representative of this province to answer the question. Is the standard hours of work that are defined in The Employment Standards Act of this province as being 40 hours per week, eight hours per day going to be the standard that the minister references in his legislation here, Bill 73, or does he have some other standard in mind that he will bring in at a later time, perhaps through regulation?

**Mr. Toews:** I have no other standards than those that are permitted by the law.

**Mr. Reid:** And will those standards be maintained at eight hours per day, 40 hours per week? That is all I am asking.

**Mr. Toews:** I have answered the question.

**Mr. Reid:** So then I take it that the minister's refusal to answer a very simple question, that it requires either a yes or no answer, that he has some other intention other than complying with the standard hours of work in The Employment Standards Act as 40 hours per week, eight hours per day.

**Mr. Toews:** If I can put it as simply as I possibly can for the member for Transcona, this bill does not change the standard hours of work.

**Mr. Reid:** Well, the minister knows full well that for the construction industry those standard hours of work, in some cases, are more than the standard hours as allotted

for under The Employment Standards Act, which is 40 hours per week, eight hours per day, and I want to know if the minister is referencing more than the standard hours under The Employment Standards Act of 40 hours per week, eight hours per day.

**Mr. Toews:** I have answered the question.

**Mr. Reid:** Well, then I take it that the minister has some other intent in mind here and that he will allow for perhaps even unlimited hours to take place, and there will be only standards that he or his department will set in the future. That is all I can reference at this point.

**An Honourable Member:** Question.

**Mr. Chairperson:** The question has been called.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment as presented, please indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those against, please say nay.

**Some Honourable Members:** Nay.

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

#### Formal Vote

**Mr. Reid:** Recorded vote.

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

**Mr. Chairperson:** Mr. Reid, do you have another amendment, sir?

**Mr. Reid:** Not under this section.

**Mr. Chairperson:** Okay. Clause 2 as amended pass—pass; Clause 3—pass.

Mr. Reid, you have a further amendment, sir?

**Mr. Reid:** This is Section 3, I take it, Mr. Chairperson?

**Mr. Chairperson:** That is correct, Clause 3. The amendment is to be added after Clause 3, sir? Clause 3 has already been passed.

**Mr. Reid:** I have an amendment to Clause 3(3).

**Mr. Chairperson:** I believe, Mr. Reid, your amendment is to follow after Clause 3 to be Clause 3.1. Is that correct, sir?

**Mr. Reid:** It is part of Section 3 of the bill.

**Mr. Chairperson:** Mr. Reid has indicated this is to be part of Section 3 of the bill. We have already passed Clause 3, so this would follow then, I would suggest, after Clause 3. This would be 3.1 of the bill, is that correct, sir? The Chair recognizes Mr. Reid.

**Mr. Reid:** I have had the clarification provided for me, and I thank Legislative Counsel for that.

I move

THAT the following be added after section 3 of the Bill:

3.1 The following is added after section 3:

**Application of Act to certain employees**

**3.1(1)** For greater certainty, the Act applies to any employer engaged in construction, including an employer whose principal business is not construction.

**Employer whose principal business is not construction**

**3.1(2)** No employer whose principal business is not construction shall employ an employee only for the purpose of an in-house construction project on the completion of which the employee is laid off.

**[French version]**

*Il est proposé d'ajouter, après l'article 3 du projet de loi, ce qui suit:*

*3.1 Il est ajouté, après l'article 3, ce qui suit:*

**Application de la Loi à certains employés**

**3.1(1)** *La présente loi s'applique à tous les employeurs s'adonnant à des activités de construction, y compris à ceux n'ayant pas pour activité principale la construction.*

**Employeurs n'ayant pas pour activité principale la construction**

**3.1(2)** *Il est interdit aux employeurs n'ayant pas pour activité principale la construction d'employer uniquement pour un projet de construction intérieur un employé qu'ils congédient à la réalisation du projet.*

**Mr. Chairperson:** Any further discussion on the amendments?

**An Honourable Member:** Question.

**Voice Vote**

**Mr. Chairperson:** Question? All those in favour of the amendments, please indicate by saying Yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those against, please say Nay.

**Some Honourable Members:** Nay.

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

**Formal Vote**

**Mr. Reid:** Recorded vote.

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

**Mr. Chairperson:** In my opinion, the amendment is defeated.

Clause 4(1).

**Mr. Reid:** I would like to ask the minister, because he is setting out in several sections of this bill starting from Section 2 through to this section and also into the regulation powers at the end of this bill that will give the Lieutenant-Governor-in-Council or the designate, which would obviously be the Minister of Labour or delegated authority, to set out the definition for Winnipeg with

respect to The Construction Industry Wages Act. I would like to know why the minister is changing this provision and what he proposes to substitute for that boundary that had been in place prior.

**Mr. Toews:** At the present time I have no proposals to change anything in that respect. I do not propose to change the 30-mile radius at this time. Before I would do so, I would consult with the appropriate people in the industry to see whether that is warranted. I note that one of the proposed amendments that the member for Transcona (Mr. Reid) brought would be that it be a 20-mile radius as opposed to a 30-mile radius. I think this is the type of thing that should be done by regulation rather than every time economic things change, circumstances change, in Manitoba we have a new amendment to a piece of legislation. This is clearly a regulatory matter and should be viewed as such.

**Mr. Reid:** What will be the criteria that the minister or the department uses to set the boundary, whether it be retained at the current 30-mile radius from the intersection outside of the corner of this building or to follow in line with the recommendations that came from the Labour Management Review Committee, which recommended a 20-mile radius? What would be the criteria that the minister would determine whether or not he keeps the 30-mile or references some other measurement?

\* (1540)

**Mr. Toews:** I would assume that the best interests of Manitobans would be the criteria that would determine that issue.

**Mr. Reid:** So then, from my understanding, the minister says that he is going to consult with, I take it, members of the industry which include the business and labour community. Does the minister also contemplate that perhaps there would be a public interest, or is he going to refer this matter to his advisory committee for further consultation?

**Mr. Toews:** If it is appropriate to refer to the advisory committee, I will refer to the advisory committee.

**Mr. Reid:** Does the minister contemplate that he is going to refer this matter and that there may be some

changes in the near future with respect to the current definition for "Greater Winnipeg"?

**Mr. Toews:** No changes have been proposed in that respect to me, and accordingly, I have no opinion on whether or not that 30-mile zone should be changed. The entire 30-mile zone seems to be a very, very artificial and very stupid provision, but I understand that when an industry is built on that particular definition over a long period of time, one has to be careful before one makes amendments to ensure that transition, if any is required, occurs in a very orderly fashion.

**Mr. Reid:** I am not quite clear here on why the minister would want to move what has been in the act for decades, many decades, as the 30-mile radius, why the minister is proposing to move this into the field of regulation versus legislation. What is the intent behind moving this into regulation?

**Mr. Toews:** It is in order to give the act a little more flexibility, a little more relevancy, as Manitoba moves into the 21st Century. Clearly legislation, this legislation, has created innumerable problems. It has essentially destroyed the employer-employee relationships in the residential housing sector. There are no more employer-employee relationships to speak of. It is essentially done by subtrades. People are legally circumventing this act in order to get about doing business, and it seems to be a shame that a legislation with basically no real economic purpose stands in the way of the future of the City of Winnipeg, of the Province of Manitoba.

For example, last night we heard the presentation of an individual who said he had to get satellite photographs to see whether a very large structure was built outside or inside the 30-mile radius. It seems to me primitive and prehistoric that people would make economic decisions as to whether a building is 100 feet on one side or another of an artificially drawn 30-mile radius.

**Mr. Reid:** Does the minister contemplate then that the definition that he is proposing to put into regulations under this act will be flexible and will be determined on a project-by-project basis?

**Mr. Toews:** Unfortunately, the act does not lend itself to that type of flexibility. There are regulations generally

applied pretty broadly, and I know that this particular act has various regulations for various areas of the province. For example, you build a certain building in Shilo, you pay a certain rate. You walk across the street, and you pay a different rate. Inspectors do not understand this act.

When I was the lawyer for this department, the Department of Labour, I never understood this act. Back in 1979, people were complaining that this act was unenforceable because of the untold technicalities and lack of flexibility. That occurred throughout '79 to 1985. Time and time again, people said this act was unenforceable. The NDP government did nothing because they did not know how to handle the problem. This government has consulted on a number of occasions with all types of people, and as the result of that consultation, very, very limited amendments are being brought forward.

The member for Transcona knows that various committees have recommended in total of, I understand, somewhere around 130 amendments, and, frankly, if we were to follow all of these contradictory amendments, we would be going nowhere. In fact, we would be going backwards.

**Mr. Reid:** I think if the minister will recall, if his memory will permit him, the presenters last night referenced that the act was not enforced. They did not say it was not enforceable. There is a clear definition or change or difference between those two, and that is the problem with the current act, that the presenters—as the presenters said last night very clearly, the act was not being enforced, and that was creating difficulties for them in their business situations and in their relationship with their employees. Both business and labour said that, and the minister knows that quite clearly.

That is why I want to know what the impact is going to be with respect to the definition, because it will have some impact on the businesses that are currently in the city of Winnipeg, for example, and if the minister is proposing to have some flexibility on that boundary on a project-by-project basis or a year-by-year basis or some other criteria, I think it is important that the public, including both business and labour community and for the public interests, that they would know that. That is why I asked the question of the minister. What will be

his definition of the Greater Winnipeg, or does he propose moving that and making it flexible on a project-by-project basis? So that is why I am asking for a clarification here, so that in fairness to the public, not to me but to the public, that they have an understanding of where the minister is headed with this particular section.

**Mr. Toews:** The intent of the amendments that I am bringing forward today are in fact to make the legislation more understandable so that in fact the legislation is enforceable and can be enforced. At present it is neither enforceable or enforced, because it is simply not understood. There are simply so many decisions going one way or another and people are confused about the act, and I think we have to move in order to make the act understandable. Once the act becomes understandable, then it can be enforceable, and once it is enforceable, then it can be enforced.

**Mr. Reid:** I could only reference, Mr. Chairperson—

**Mr. Chairperson:** Excuse me for a second. Colleagues, I note that there are a number of conversations occurring about the table, and I would enjoin our members of this committee that if they wish to have separate conversations, they adjourn to the anteroom in order that it not interfere with the dialogue that is going on between the critic and the minister. Thank you, honourable colleagues.

**Mr. Reid:** I was just trying to get the minister to define for us what his intent was. It is clear that he is not prepared to do that at this point, and I guess that if members of the public want to know where the government proposes to strike that boundary, either under the current provisions or some other criteria in the future, I think it then will be left in the minister's hands to provide that, although I would prefer that he would do it at this time so that members of the public would be assured prior to the government's regulations coming out, which I must add to.

We have asked for the regulations, the draft regulations for this bill and other bills that this minister has tabled. I want to put on the record again that the minister has not provided those draft regulations, so we are unclear on many of the provisions that the government has in this bill, and that is why we are forced to bring in amendments here, not knowing what the government's

intent is, and that is why these amendments are being brought forward to this committee by myself at this time.

**Mr. Chairperson:** Is there any further discussion? The question has been called. Clause 4(1)—pass; Clause 4(2)—pass. Clause 5(1).

**Mr. Reid:** I think, as you move clause by clause, because I have indicated at the beginning of my opening comments that I am prepared to go clause by clause, but if the Chair does not see—

**Mr. Chairperson:** Excuse me, may the record show that we will go back. I have missed Mr. Reid on an occasion where he wished to make a comment or an amendment. Mr. Reid, would you please direct us to the appropriate spot.

**Mr. Reid:** I would like to ask the minister with respect to 4(2), which is affecting the Winnipeg Building Construction Wages Board, why it is that the minister proposes in this legislation, as he has under the Rural Construction Wages Board and as he has under the Heavy Construction Wages Board, to only have those boards meet at the will and pleasure of the minister, when it has been a long established practice in this province to have those boards meet, at minimum, of at least once a year and that to deal with matters that may be internal to those operations affecting that particular construction sector or any matters that may be brought by the public to that board or to deal with matters that are referred by the minister for recommendation. I would like to know from the minister why he is proposing to make it as he has with the Minimum Wage Board of this province, only at the pleasure of the Minister of Labour (Mr. Toews).

**Mr. Toews:** The practice reflected in these amendments is similar to the practice with respect to the general minimum wage provision in our province, and so this is in keeping with that particular practice.

This is not to say that members of the labour community, the business community or, indeed, any advisory committee may not approach the minister or government generally to have the committee struck when particular issues or problems arise.

**Mr. Reid:** Can the minister tell me who has requested this change?

\* (1550)

**Mr. Toews:** This has been developed as a result of recommendations received from the department.

**Mr. Reid:** So it is only the department that the minister has consulted with on this matter and the minister has not taken the opportunity to talk with the Rural Construction Wages Board, the Winnipeg Construction Wages Board, and the Heavy Construction Wages Board, which are representative of those particular sectors of the industry, prior to making this change.

**Mr. Toews:** I have consulted extensively with members of the public, as have for years members of this government consulted with members of the public in respect of possible amendments. As a result of all of those discussions, certain amendments were recommended. Those amendments are before the House today.

**Mr. Reid:** So then the minister says that he has not consulted with those three wages boards, and it is only through the internal reference to members of this departmental staff that he is bringing forward this amendment at this time, and that the minister will take away the power and the ability of those particular wages boards to meet at least once annually, and to consider matters that are important to those particular industrial sectors of our provincial economy, and to allow those particular wages boards to make recommendations to the Minister of Labour.

Now, whether or not the Minister of Labour chooses to accept those is another matter, but I feel, Mr. Chairperson, that the minister in the department should at least give those wages boards the opportunity to consider matters that are important to the industry. If the minister wishes to add public interest to those wages boards, I do not have a problem with that. But what we have here is members of the construction industry, the rural, the Winnipeg, and the heavy construction industry being involved in wages board, considering matters that come before them, either referred by the minister or by members of the industry, to be dealt with in a consensus way, to allow for decisions to be made and recommendations to be made and referred to the minister to help, and, as the minister said here time and again, there is difficulty understanding this act. That is the

purpose of those wages boards, to allow for the clarification of the act and the streamlining of the act.

Now the minister is saying here he only wants his appointed advisory committee that he is proposing, and not the industry wages board, to make recommendations to the Minister of Labour. I would like to know why the minister senses that he does not need to have the three construction wages boards make recommendations or comment to him on the act every year, and he is going to rely solely on an advisory board for which he will appoint people.

**Mr. Toews:** Is that a question?

**Mr. Chairperson:** There was a question there, yes. The latter part of the discourse embodied the question, Mr. Minister.

**Mr. Toews:** Oh. All right. Well, the member for Transcona (Mr. Reid) is incorrect. The advisory committee meets on the same basis as the other three committees. All sectors of the industry were consulted with in respect to this by the proposals being sent out to the members of those committees, and any responses were taken into account by the department in developing their particular proposals.

It seems to me that there is nothing preventing any of the members or the boards themselves from sitting voluntarily and making any recommendations that they wish or requesting the minister to call a formal hearing of the board, and they can make whatever recommendations they wish. The industry meets very, very regularly between the unions and the employers in terms of changes that should come to the act. If they feel that it should be done through the striking of the board from time to time, if appropriate, I will certainly consider that.

**Mr. Reid:** So the minister says that he wants his legislation to be democratic and that he thinks that it is democratic to have a Minister of Labour or a Lieutenant-Governor-in-Council appoint an advisory committee to deal with The Construction Industry Wages Act matters and that members of the construction industry who elect their representatives to go to those wages boards is not democratic. How does the minister balance out that his politically appointed advisory committee is going to be more democratic, or in any way democratic, when compared to the wages boards that are currently in place?

**Mr. Toews:** Well, I think the member misunderstands the role of the wage boards, the Rural Building Construction Wages Board and the other two wage boards. These are simply representatives of industry and unions that sit together and decide what the wage rate is going to be in the province or in a particular sector of the province. Until this date, the public has never had a say in what these wage rates should be, and it is the public that consumes the products that are created by the construction industry. While I respect and value the obligations or the contributions of the industry to the economy of Manitoba, I think it is the people who are paying the bill who should also have a right to say how much that bill should be in respect of what they are being charged.

**Mr. Reid:** Well, then, if the minister, as he says here, is interested in having public-interest representation, which has some merit, then why did the minister not modify the provision of the three wages boards to allow for those wages boards industry representatives, both business and labour, to select or appoint or elect a neutral public-interest chairperson to represent the very public interests that the minister is referring to instead of going to a nonelected, politically appointed advisory committee that the minister is now proposing to replace the three construction advisory committees?

**Mr. Toews:** Well, again, the member has not read the bill. There are three separate committees or wage boards that will continue to set or make recommendations in respect of the wages, and to suggest that the people who profit from the setting of the wage levels would be allowed to elect the public interest is a lot like asking the fox, who will guard the chickens?

**Mr. Reid:** Okay, then, if the minister does not like that suggestion, if the minister does not like and does not trust and is saying that there are unscrupulous employers in the province in the construction industry, and there are unscrupulous labour representatives in the province, and they would not have the common sense or decency to appoint a neutral public-interest chairperson, then I take the minister at his word. If that is the way he feels, then, that there would not be some neutrality and some members of the construction industry that would be responsible individuals, then I would have to take the minister at his word on that. That is his opinion. I do not agree with it, but that is his opinion.

What I am saying here is that if the minister wants, there are methods that are available to the minister and the department to have the public interest represented on those wages boards, because what the minister is proposing and because he has not provided, Mr. Chairperson, once again, the regulations or the draft regulations that he is proposing to give us an idea or understanding on how he is going to implement the advisory committee that he is going to politically appoint, it seems to me to be fair to allow for some process to allow for public interest to be represented on the three wages boards of this province. I am sure there are mechanisms that can be struck, and I want to ask the minister why he chose not to go that route and instead is going through powers of his office to appoint an advisory committee versus allowing some other process to establish public interest on the current wages boards.

**Mr. Toews:** Firstly, in respect of the editorial comments about what the member said about members of the industry and the trade unions in this province, I find those kinds of remarks totally despicable, that the member would even refer to members of our industry and our trade unions in such a fashion, and if that is his opinion about what trade unions and industry have contributed in our province, well that is his business.

What I have, in fact, tried to do is to maintain the three separate wage boards that sit and determine what the wage levels should be. In that wage board, there are employers who pay wages and unions who represent employees. Those three separate boards make recommendations to the minister. The minister will then have an opportunity to ask an advisory committee appointed from appropriate public-interest sectors, hopefully, consumer groups and the like, who actually have to pay the bills. I am not saying that employers are unscrupulous. I am not saying that trade unions are unscrupulous. These people do have to make a living, but we have to bear in mind the ability to pay.

\* (1600)

The opposition is a party that does not seem to recognize that at the end of the day somebody has to pay the bill, and the people that pay the bill should have a say. That is simply what this act is doing.

**Mr. Reid:** Well, I take it then that the minister does not believe in democracy. He thinks it is more important to

have the ability to politically appoint people, and I do not agree with his power grab that he is displaying here through this legislation, as he is doing through other pieces of legislation that he has tabled and his government have tabled.

There is a clear power grab here by the Minister of Labour to only be able to call into sitting those wages boards. Even though the minister says that they can voluntarily sit, what happens in this process is there is not the political will to encourage those wages boards to sit in to deal with and to resolve the issues that would be outstanding through the province, affecting the construction industry of this province. Because there is not going to be that political will, those wages boards, I suggest to the minister, will not meet on a regular basis to deal with the recommendations. Not only that, because the minister has not put behind these wages boards that political will, in effect, the recommendation, if any, that may come from any board that may choose to meet voluntarily, will not be viewed in the same high regard that it would have been reviewed in had that political will been there because the minister is stripping these wages boards of their powers, and that only he will determine if and when they meet and, in most cases, the matters on which they are going to deal with.

So I suggest to the minister, he is wrong on this, there are other ways to deal with this matter, to involve public interest on these wages boards. That should have been the way that would have been more appropriate instead of going to a politically appointed advisory committee, only reporting to the Minister of Labour, not to the Legislative Assembly and not to the members of the public and not to the members of the industry that are affected.

**Mr. Chairperson:** Any further discussion on Clause 4(2)? Clause 4(2).

#### Formal Vote

**Mr. Reid:** A recorded vote, please.

**Mr. Chairperson:** A recorded vote on Clause 4(2).

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

**Mr. Chairperson:** The clause is accordingly passed. Clause 5(1)—pass.

Clause 5(2).

**Formal Vote**

**Mr. Reid:** A recorded vote on this clause, Mr. Chairperson.

**Mr. Chairperson:** On Clause 5(1)?

**Mr. Reid:** That is correct—5(2).

**Mr. Chairperson:** Oh, I beg your pardon, Clause 5(2). A recorded vote has been requested on Clause 5(2).

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

**Mr. Chairperson:** Clause 5(2)—pass.

Clause 6(1).

**Mr. Reid:** I would like to ask one question there. Can the minister tell me, because he is proposing the chairperson be impartial, how that chairperson will be selected?

**Mr. Toews:** Well, in respect to that individual, he or she will be appointed with the same due regard that other chairs who are required to be impartial in respect to the interests of employers and employees.

**Mr. Chairperson:** Clause 6(1), is there any further discussion? Clause 6(1)—pass.

**Formal Vote**

**Mr. Reid:** Clause 6(2), Mr. Chairperson, a recorded vote requested.

**Mr. Chairperson:** All right, there has been a request for recorded vote on Clause 6(2).

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

**Mr. Chairperson:** Clause 6(2)—pass, Clause 7—pass. Clause 8—pass.

**An Honourable Member:** He has an amendment to Section 8.

**Mr. Chairperson:** I am advised that we passed over Clause 8. I thought the amendment came after Clause 8. Is there leave of the committee to go back and review Clause 8?

**Some Honourable Members:** Leave.

**Mr. Chairperson:** There is an amendment to be circulated on Clause 8.

**Mr. Reid:** I move

THAT the following be added after the proposed section 10, as set out in section 8 of the Bill:

**Boards to meet once in each year and report to minister**

10.1 Each board established under this Act shall meet not less than once in each year to consider any matter referred to it by any person, including employees and employers and the minister, and shall make a report to the minister on the findings and recommendations of the board in respect of the matter.

**[French version]**

*Il est proposé d'ajouter, après l'article 10 énoncé à l'article 8 du projet de loi, ce qui suit :*

***Obligation pour les commissions de se réunir une fois par année et de faire rapport au ministre***

*10.1 Les commissions établies en vertu de la présente loi se réunissent au moins une fois par année pour examiner les questions dont des personnes les saisissent, y compris des employés, des employeurs et le ministre, et présentent au ministre un rapport faisant état de leurs conclusions et de leurs recommandations au sujet des questions examinées.*

**Mr. Chairperson:** Any discussion on the amendment?

**An Honourable Member:** Question.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the amendment, say yea.

**An Honourable Member:** Yea.

**Mr. Chairperson:** All those against.

**Some Honourable Members:** Nay.

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

#### Formal Vote

**Mr. Reid:** Recorded vote.

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

**Mr. Chairperson:** The amendment is accordingly defeated. Clause 8 as it stands—pass. Clause 9.

**Mr. Reid:** Mr. Chairperson, I move

THAT the proposed subsections 10.1(1) to (3), as set out in section 9 of the Bill, be struck out and the following substituted:

#### Establishment of Advisory Committee

**10.1(1)** The minister shall establish a committee, to be known as the "Construction Industry Advisory Committee", consisting of a representative of employees and a representative of employers chosen by the employees' representatives and the employers' representatives, respectively, of each of the boards established under this Act from among their number on the board.

#### Persons on committee to appoint neutral chairperson

**10.1(2)** The persons chosen to be on the committee shall appoint a person from the general public to be chairperson of the committee, and the chairperson shall be impartial in respect of the interests of employers and employees.

#### Committee to meet once in each year and report to minister

**10.1(3)** The committee shall meet not less than once in each year to consider any matter that affects the construction industry and that is referred to it by any person, including employees, employers, the minister or a member of a board or the committee, and shall make a report to the minister on the findings and recommendations of the committee in respect of the matter.

#### [French version]

*Il est proposé de substituer, aux paragraphes 10.1(1) à (3) énoncés à l'article 9 du projet de loi, ce qui suit :*

#### *Constitution d'un comité consultatif*

**10.1(1)** *Le ministre constitue un comité devant être appelé "Comité consultatif de l'industrie de la construction" et se composant d'un représentant des employés et d'un représentant des employeurs désignés par chacune des commissions établies en vertu de la présente loi parmi leurs membres.*

#### *Personnes désignées pour nommer un président neutre*

**10.1(2)** *Les personnes désignées au Comité nomment parmi les membres du grand public une personne pour en assumer la présidence, et la personne ainsi nommée est impartiale en ce qui a trait aux intérêts des employeurs et des employés.*

#### *Obligation pour le Comité de se réunir une fois par année et de faire rapport au ministre*

**10.1(3)** *Le Comité se réunit au moins une fois par année pour examiner les questions qui influent sur l'industrie de la construction et dont des personnes le saisissent, y compris des employés, des employeurs, le ministre ou des membres d'une commission ou du Comité, et présente au ministre un rapport faisant état de ses conclusions et de ses recommandations au sujet des questions examinées.*

**Mr. Chairperson:** Any further discussion on the amendment?

**Some Honourable Members:** Question.

**Mr. Chairperson:** Question.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment, please indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those indicate negative by saying nay.

**Some Honourable Members:** Nay.

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

#### Formal Vote

**Mr. Reid:** Recorded vote.

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

**Mr. Chairperson:** The amendment is accordingly defeated. Clause 9 as it stands—pass. Clause 10.

**Mr. Reid:** I wanted to ask the minister a question under Clause 10. There was a recommendation that was made by the Construction Industry Wages Boards to have some adjustment after holding hearings. I believe it was in 1991, there was a recommendation to make some adjustments to the construction wages of this province, and I would like to know why this minister and why the department have not acted on those recommendations since 1991.

**Mr. Toews:** Well, as the member knows, this act is very controversial, very confusing. It has taken many, many years of discussion to bring it even this far, and this, frankly speaking, is not very far at all. It is very modest, very minor amendments that we believe will be in the best interests of the construction industry in Manitoba. In respect of the factors to be considered by the board, I do not think that the board should be hamstrung to parrot back a particular recommendation. We want to make the basis upon which these boards make their recommendations as broad as possible so that all relevant factors are considered. I think these criteria that are listed here adequately allow the board to address all relevant factors without simply being forced to give us certain recommendations when it is not in the best interest of Manitobans to do so.

\* (1610)

**Mr. Reid:** Well, then, can the minister tell me, because he says it is not in the best interest of Manitobans to do so, does he feel that the current wage schedules under the heavy, rural and Winnipeg wage boards, that the wages that are in those three schedules are too high?

**Mr. Toews:** It is none of my business whether too high or too low. That is the business of the boards to recommend, and at this time those wage rates stand.

**Mr. Reid:** Well, the minister cannot have it both ways, Mr. Chairperson. He cannot say that it is none of his business and then take the action that he is taking to freeze the recommendation of those wages boards that came to the minister. So which is it, Mr. Minister? Do you believe that the wage rates are too high, or are you going to accept the recommendation that came from those wage boards to you?

**Mr. Toews:** Well, you know I could also accept the recommendation of Mr. Rob Hilliard of the Manitoba Federation of Labour, who said that the government should simply be establishing a general minimum wage and everything above that should be done in terms of bargaining between employers and the employees, including the representative employees. So, if what the member is proposing is that we just have a simple general minimum wage instead of these convoluted schedules that we presently do, I would certainly entertain a motion to that effect from that member, and we can discuss that if that is what the member wants.

**Mr. Reid:** Back to the question again, because the minister talked off on a tangent here, and if he wants to bring forward an amendment in that effect, we will talk about it. Is the minister saying that the recommendation that came from the three wages boards in 1991 is not appropriate, and that the wages that are currently listed in the wages schedule for those three sectors of construction are too high, and that is why he has not acted to make those changes as were recommended by those boards?

**Mr. Toews:** In respect of the recommendations that have been made to present to those that have been accepted, we have accepted them because the Lieutenant-Governor-in-Council felt it was appropriate. Those that have not been accepted have not been accepted for a similar reason.

**Mr. Reid:** What you are saying, Mr. Minister, is that you have accepted some because you felt that the wage was too low, but now you are saying the others are not accepted because the wages were too high and that you want to freeze them at the 1991 levels.

**Mr. Toews:** The responsibility of government is to make decisions, and that is what we do. We do not have the luxury of sitting on both sides of the issue in the same way that the member for Transcona does.

**Mr. Reid:** So what the minister is saying then is that the construction industry people whose wages have not been adjusted since 1991 are too high, and that is why he has not made those adjustments. I am glad he has clarified that for us here today. I am prepared to move on.

**Mr. Toews:** Just in that respect, the member knows that there were amendments made in 1994, and I do not want him to mislead anyone that the schedules have not been amended since 1991.

**Mr. Reid:** Exactly the point, Mr. Chairperson, the minister has chosen to make some changes in minor areas of the schedules, and if he has not adjusted all of the sectors of those wage schedules as were recommended by the wages board—and that is exactly the point that I made with the minister. He is exercising his discretion to freeze wages at the 1991 level.

**Mr. Chairperson:** Any further discussion on Clause 10?

Clause 10—pass. Clause 11. We have an amendment on Clause 11.

**Mr. Toews:** I move

THAT clause 11(b) of the English version of the Bill be amended by striking out “clause (b)” and substituting “clause (1)(b)”.

**[French version]**

*Il est proposé que l'alinéa 11b) de la version anglaise du projet de loi soit amendé par substitution, à “clause (b)”, de clause (1)(b)”.*

This is simply an editorial alteration which changes the reference from clause (b) to clause (1)(b).

**Mr. Chairperson:** Amendment—pass. Clause 11.

**Mr. Reid:** Mr. Chairperson, I have an amendment. I move

THAT the following be added after section 11 of the Bill—

**Mr. Chairperson:** Excuse me, Mr. Reid, I believe that the appropriate direction coming from the legal counsel is to pass the—

**Mr. Reid:** All right, that is fine.

**Mr. Chairperson:** Clause 11 as amended—pass.

**Mr. Reid:** I move

THAT the following be added after section 11 of the Bill:

11.1 The following is added after subsection 14(1):

**Employing of apprentice as sub-contractor an offence**

**14(1.1)** An employer who employs an apprentice, as defined in the regulations, as a sub-contractor for the purpose of circumventing or defeating the purpose of this Act or the regulations is guilty of an offence.

**[French version]**

*Il est proposé d'ajouter, après l'article 11 du projet de loi, ce qui suit:*

*11.1 Il est ajouté, après le paragraphe 14(1), ce qui suit:*

**Sous-traitants**

**14(1.1)** *Commettent une infraction les employeurs qui emploient un apprentis, au sens des règlements, en tant que sous-traitant afin de contourner les dispositions de la présente loi ou s'y soustraire.*

**Mr. Chairperson:** Any discussion on the amendment?  
**Mr. Reid:** you have a comment on the amendment?

**Mr. Reid:** Mr. Chairperson, I believe the minister has heard members of the construction industry raise this matter with him before. I know his departmental staff have heard this before. I have heard it. Members of the construction industry have referenced this as one of the problems in the construction industry, where there are certain sectors, certain employers, not all, because most of the employers, I believe, are fair and reasonable

business people, and the problem that we are finding here is that some of the companies, in an effort to circumvent The Construction Industry Wages Act, are terming people that they have in their employ as subcontractors and not as the necessary reference to either journeypersons or apprentice of particular trades. That, in a way, limits or reduces the financial cost for those particular companies with respect to unemployment insurance, with respect to pension plan payments, with respect to Workers Compensation premiums that would have to be paid, and those costs would be transferred to those subcontractors.

So, in effect, what we are having here is a process where some employers are terming people in their employ as subcontractors to get around the legal requirements that they provide those certain protections and benefits for their employees. What we are attempting to do here by this amendment is to ensure that individuals that are using this practice are brought back into line and that people are not being taken advantage of.

**Mr. Chairperson:** All right. Is there any further discussion on the amendment?

**Mr. Toews:** Just in respect to this proposal, it is simply redundant. If these people who are employed as or are retained as subcontractors in fact are employees, then they must be paid as employees no matter what they are called. If they are not paid as employees, it is an offence under that act, and this kind of redundancy is exactly the kind of thing that has been confusing this act for so long. The substantive offence is already there, and to add this simply adds more legal confusion to already a bad mess.

**Mr. Reid:** Well, the minister is right. The people have to be paid, but the benefits do not have to be paid for these people who are termed as subcontractors, and the minister knows that full well. There is no Workers Compensation premium that is paid for these subcontractors, there is no Canada Pension that is paid for these people, and there is no unemployment insurance for any people that may be involved as employees of the company. So the minister knows full well, and that is why we have brought this forward to the minister's attention. It has been brought to his attention by members of the industry for some time, and it has been brought to my attention by members of the industry. So the minister knows that there is a problem here, and that is why we want to correct it.

Now, if the minister has some other amendment that he would like to propose, I am willing to entertain that and to have a look at it, but I think we need to take steps to correct a practice that is not appropriate under this Construction Industry Wages Act.

**Mr. Toews:** If an employee comes within the scope of The Workers Compensation Act, then he comes or she comes within the scope of that act. If a worker comes within the scope of the CPP, then he or she comes within the scope of the act. To simply add this kind of a statement to already—or simply attempt to reinforce what the law already is, is not necessary. It is, as I indicate, redundant. It does nothing substantive; at best, it confuses.

**Mr. Chairperson:** Questions?

#### Voice Vote

**Mr. Chairperson:** Those in favour of the amendment, please indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those against, please indicate by saying, nay.

**Some Honourable Members:** Nay.

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

#### Formal Vote

**Mr. Reid:** A recorded vote.

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

**Mr. Chairperson:** In my opinion, the amendment is defeated.

Clause 12—pass.

**Mr. Reid:** Mr. Chairperson, I have an amendment. I move

THAT the following be added after section 12 of the Bill:

12.1 The following is added after subsection 14(4):

**Order under Payment of Wages Act to include penalty**

**14(5)** An order made under The Payment of Wages Act in respect of the recovery of wages in any sector of the construction industry shall include a requirement that the employer pay to the Labour Board an amount, to be known as a surcharge penalty levy, equal to 50% of the amount of wages that the employer is required to pay under the order.

**[French version]**

*Il est proposé d'ajouter, après l'article 12 du projet de loi, ce qui suit:*

*12.1 Il est ajouté, après le paragraphe 14(4), de qui suit:*

**Décision rendue en vertu de la Loi sur le paiement des salaires**

**14(5)** Les décisions rendues en vertu de la Loi sur le paiement des salaires et ordonnant le paiement de salaires dans quelque secteur que ce soit de l'industrie de la construction ordonnent aussi aux employeurs de verser à la Commission du travail une amende supplémentaire correspondant à 50 % des salaires qu'ils sont tenus de payer.

**Mr. Reid:** Mr. Chairperson, this is another matter that has been drawn to my attention, that there are cases that have, I believe, gone to the courts and that the courts themselves have indicated and levied—the only penalty against the employers that are found to be in breach of the act is the repayment of the wages. There are no sanctions that are applied to discourage that type of practice occurring. So what is happening in this case is that if employers get caught and are prosecuted under The Employment Standards Act or The Payment of Wages Act of this province, the only penalty or sanctions that are brought is the repayment of the wages that were owing, and there are no other deterrents that are applied.

So what we are saying here, Mr. Chairperson, through this amendment, is that there will be a minimum sanction that will be applied for those that are found to be in contravention of the act and that are prosecuted accordingly.

**Mr. Chairperson:** Any further discussion on the amendment?

\* (1620)

**Mr. Toews:** Just one question, clearly the member is confusing two separate processes. One is a criminal process, and the other is a payment of wages process. The payment of wages process is a summary process which is not a criminal process, and by his comments, it indicates again that he does not understand that this is an administrative process that was developed to summarily recover wages for employees in respect of prosecutions. That is a prosecution taken in a criminal court as opposed to the Labour Board, and I would not support this amendment.

**Mr. Reid:** Mr. Chairperson, there are times when this goes as a criminal matter. I believe that is accurate, but what we need to do is we need to take steps to make sure that where there are employers, the few employers of the province that decide that they want to circumvent The Construction Industry Wages Act and the schedules that are attached, that they can circumvent this with no penalties attached. Only if they get caught do they have to pay the monies or the wages that are outstanding. My intent here was to try and restore some balance here so that there would be sanctions for those that want to breach the act. Now, if the minister has some other proposal or amendment that he would like to bring forward to correct that, I am willing to entertain that and to talk about it here now.

**Mr. Chairperson:** Any further discussion on this issue?

**Voice Vote**

**Mr. Chairperson:** All right. All those in favour of the amendment, please indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those against, please say nay.

**Some Honourable Members:** Nay.

**Formal Vote**

**An Honourable Member:** A recorded vote.

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

**Mr. Chairperson:** The amendment is accordingly defeated.

Clause 13—pass.

I am advised that there is an amendment to Clause 14.

**Mr. Reid:** I move

THAT section 14 of the Bill be amended by adding the following after the proposed section 16.1:

**Director to ensure annual audits of certain employers**

**16.2** For the purpose of ensuring compliance with this Act, the director of the Employment Standards Division of the Department of Labour shall investigate and examine the books and records, and any other materials or items that he or she considers necessary, of not less than 10% of randomly selected members of each association of employers in each year.

**[French version]**

*Il est proposé d'amender l'article 14 du projet de loi par adjonction, après l'article 16.1, de ce qui suit:*

**Vérification annuelle de certains employeurs**

*16.2 Afin de garantir l'observation de la présente loi, le directeur de la Division des normes d'emploi du ministère du Travail vérifie et examine chaque année les livres et les registres, ainsi que les autres documents ou articles qu'il juge nécessaire d'examiner, d'au moins 10% des membres, choisis au hasard, de chaque association d'employeur.*

**Mr. Chairperson:** Any discussion on the amendment?

**Mr. Reid:** Mr. Chairperson, one of the problems that we have seen and heard from the members of the public that came out last evening to talk about The Construction Industry Wages Act was the problem with enforcement. Now, there may be some problems that may be internal to the department of which I may not be aware that would in some way not allow the members of the public who so presented and perhaps others to not have the confidence that the act was being enforced because they referenced time and again problems with enforcement.

What I am attempting to do here through this amendment is to provide the tools that I believe are

necessary to the Department of Labour to go out and to perform random audits of employers in the province so that we do not have to deal with, as the minister has referenced here to me, for some time problems with third-party complaints which create an additional workload for his department. If we had the ability to do random audits through the department, it would give the tools necessary to allow the department to do that work and would not have to rely on third-party complaints. I believe this would go a long way towards both educating the construction industry of the province and also making sure that they are in compliance with the act.

**Mr. Chairperson:** Any further discussion on this amendment?

**Mr. Toews:** Very briefly. The director of Employment Standards already has the power to conduct audits, and this proposal not only puts the director into a straightjacket, but if you read the wording that not less than 10 percent of randomly selected members of each association of employers in each year, whatever that is. It does not make any sense.

**Mr. Reid:** Well, I am sorry that the minister chose to attack the Legislative Counsel. It is unfortunate he would do that. This is wording that is definitely brought forward, and it is his own department people that he is attacking through this process which is unfortunate, but the minister knows full well that there are other sectors under the Employment Standards provisions that would come into effect and be considered in addition to wages. It is not just wages that need to be considered here. There are other matters that need to be considered, and that is why I want to give the tools to the department, the ability of the department to do those random audits. If the minister wants to propose some alternate wording that would accomplish the same goals, I am not opposed to that and I would accept a friendly amendment to that.

**Mr. Chairperson:** Any further discussion on this point?

**An Honourable Member:** Question.

**Voice Vote**

**Mr. Chairperson:** All right. All those in favour of the amendment, please indicate by saying yea.

**An Honourable Member:** Yea.

**Mr. Chairperson:** All those against, please say nay.

**Some Honourable Members:** Nay.

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

### Formal Vote

**Mr. Reid:** Recorded vote.

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

**Mr. Chairperson:** In my opinion, the amendment is defeated.

Clause 14—pass.

**Mr. Reid:** Mr. Chairperson, because there have been some problems, and I have raised this with the Minister of Labour before—[interjection]

**Mr. Chairperson:** I believe Mr. Reid has the floor. Mr. Reid, I would invite you to continue.

**Mr. Reid:** All right, for the benefit of the committee, Mr. Chairperson, I will read the amendment first. I move

THAT the following be added after section 14 of the Bill:

14.1 Subsection 17(1) is amended

(a) by striking out “\$100.” and substituting “\$250.”;

(b) by striking out “\$1,000.” and substituting “\$2500.”;

(c) by striking out “\$500.” and substituting “\$1250.” and

(d) by striking out “\$10,000.” and substituting “\$25,000.”.

### [French version]

*Il est proposé d'ajouter, après l'article 14 du projet de loi, ce qui suit:*

*14.1 Le paragraphe 17(1) est modifié:*

*a) par substitution, à “100\$”, de “250\$”;*

*b) par substitution à “1000\$”, de “2500\$”;*

*c) par substitution, à “500\$”, de “1250\$”;*

*d) par substitution, à “10 000\$”, de “25 000\$”.*

### Motion presented.

**Mr. Chairperson:** All right, I have taken counsel on this amendment, and I am advised and would so rule that the amendment refers to a section of the act and a topic that is not dealt with in the bill. Therefore, it is beyond the scope of the bill, and it is out of order.

\* (1630)

**Mr. Reid:** Mr. Chairperson, this was a matter that was raised by the Labour Management Review Committee—

**Mr. Chairperson:** Yes, excuse me, Mr. Reid, I believe that I have ruled it out of order, so I do not believe that any further discussion can be held on the point once it has been ruled out of order.

**Mr. Reid:** Okay, so we can go to the next section?

**Mr. Chairperson:** Yes. It is out of scope. I have ruled it out of scope.

**An Honourable Member:** Can we get leave?

**Mr. Chairperson:** If the committee wishes to—

**Mr. Reid:** It is a recommendation of the committee. It is an all-party agreement from the Labour Management Review Committee. It is not my amendment, it is theirs.

**Mr. Driedger:** By leave, in spite of the fact that you ruled the amendment out of order, I think, by leave, the committee could possibly, with consent by all, accept the amendment without impinging on your chairmanship.

**Mr. Chairperson:** Whatever is the will of the committee, I will be governed by the unanimous will of the committee.

**Mr. Driedger:** I would, then, Mr. Chairman, recommend that the amendment be accepted as presented on the fine structure, realizing the implications of its

being out of scope, but I think that, if everybody concurs, we can accept that. The minister has indicated that he is prepared to accept it on that basis.

**Mr. Chairperson:** What is the will of the committee? Is it the will of the committee to accept the suggestion from Mr. Driedger that, although this is beyond scope, the committee is willing to entertain it?

**Mr. Reid:** Well, Mr. Chairperson, that is what I was attempting to do by my comments.

**Mr. Chairperson:** Is there leave of the committee to proceed?

**Mr. Reid:** Leave to speak, Mr. Chairperson, to this amendment?

**Mr. Chairperson:** Well, first of all, I think we have to ascertain if there is the will of the committee to overturn my ruling and to proceed with it. Is there leave to do that? [agreed]

**Mr. Reid:** What I was attempting to do was to indicate that it is my understanding that this was a recommendation that had been made by the Labour Management Review Committee. They had made their recommendations through the reports that we have currently available to us here, and that particular committee recommended that there be changes to the penalties that were assessed to those that break the act, and that those recommendations that had come to the minister some time ago—and I am not sure why the minister chose not to include it in this bill because it was recommendation No. 8 of the Construction Industry Wages Act review committee that made that recommendation to the minister, and it says here quite clearly, to increase the fines; that all fines be increased by 2.5 times their present value. For an employer as an individual, a fine of not less than \$250, and, of course, \$2,500 is the maximum. Then for employers as a corporation it is saying minimum \$1,250 and then \$25,000.

So I am not sure why the minister would not have included recommendation No. 8 in his legislation, and that now he is—I am not sure why the minister here is saying that he did not want to accept this amendment, did not bring in any of his legislation, and now he is willing to reconsider that. Perhaps the minister can explain that to me.

**Mr. Driedger:** Pardon me, permission to talk on behalf of the minister, but my understanding was that the minister felt this was an acceptable amendment that we had to have leave of the committee to deal with, and I would suggest at this point in time that we call the question and do it. I think it shows the competence of the committee that the amendment is acceptable. We should deal with it rather than debate it. If the member wants to debate it, I think it might lose the impact of the cordiality that we have here at the present time. I call the question now.

**Mr. Reid:** Well, here we go again, the Minister of Natural Resources (Mr. Driedger) wanting to terminate debate, not allowing for democracy to work.

**An Honourable Member:** It is your amendment. We are willing to vote on it.

**Mr. Reid:** Yes, it is my amendment. That is why I am curious here why the minister is at first not accepting this recommendation No. 8 from that construction industry advisory committee and now he is saying he is going to, except he did not include this legislation here. I obviously support the amendment and I am willing to move forward with the vote on this, but I am kind of curious here why the minister decided he would not accept the other—[interjection]

**Mr. Driedger:** If it is going to be a debate, then we will change our—[interjection]

**Mr. Reid:** —amendments, and this is one he is going to accept.

**Mr. Chairperson:** I do not believe there was a question there; and the question has been called.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment, would they indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those contrary to the amendment, please say nay. On hearing none, the amendment is carried. Now, I believe we have an additional amendment.

**Mr. Reid:** Mr. Chairperson, I move

THAT the following be added after section 14 of the Bill:

14.1 The following is added after section 18:

**Certain offenders may not bid on government contract**

**18.1** Where an employer who has previously been convicted of an offence under this Act or the regulations is convicted of another offence and the magistrate finds that the employer wilfully committed the later offence, the employer may not, for a period of six months after the conviction, bid on, or be selected to perform any work in respect of,

(a) a contract to do work for the government or a Crown agency; or

(b) any contract or project involving a grant or loan of money from the government or a Crown agency.

**[French version]**

*Il est proposé d'ajouter, après l'article 14 du projet de loi, ce qui suit:*

*14.1 Il est ajouté, après l'article 18, ce qui suit:*

**Interdiction à certains contrevenants de soumissionner**

**18.1** *Les employeurs qui ont déjà été reconnus coupables d'une infraction à la présente loi ou à ses règlements et qui sont reconnus coupables d'avoir commis volontairement une autre infraction ne peuvent pas, dans la période de six mois qui suit la déclaration de leur culpabilité, soumissionner ou être retenus dans le but d'exécuter un travail dans le cadre:*

*a) d'un contrat octroyé par le gouvernement ou un organisme de la Couronne;*

*b) d'un contrat ou d'un projet à l'égard duquel le gouvernement ou un organisme de la Couronne a accordé une subvention ou un prêt.*

**Motion presented.**

**Mr. Chairperson:** I have taken counsel on this issue, and the amendment refers to a section of the act and a

topic that is not dealt with in the bill, therefore it is beyond the scope of the bill and is out of order.

**Mr. Reid:** Would there be leave of the committee to deal with this matter, Mr. Chairperson?

**Mr. Chairperson:** I will canvass the committee. Is there leave to deal with this matter?

**Some Honourable Members:** No.

**Mr. Chairperson:** There is not leave to deal with this matter, and the amendment is therefore ruled out of order.

**Mr. Reid:** I have some comments that I would like to add or make and ask some questions under the regulations. Can you tell me, Mr. Chairperson, when I will have that opportunity? Are we in that section at the appropriate time right now?

**Mr. Toews:** The regulations? I have some amendments to make in that respect.

**Mr. Reid:** Okay.

**Mr. Chairperson:** Clause 15-pass. Clause 16(1), I believe we have an amendment at this time. Is that to Clause 16(1)? Yes.

\* (1640)

**Mr. Toews:** I move

THAT the proposed subsection 20(1), as set out in subsection 16(1) of the Bill be amended

(a) by striking out clause (b) and substituting the following:

(b) defining a word or expression used and not defined in this Act, which may include "Winnipeg";

(b) by striking out clause (c) and substituting the following:

(c) specifying and defining classes of employees in the construction industry, which may include helpers, journeypersons, general construction labourers, unskilled labourers and students, and specifying the ratio of the

different classes permitted to be employed in construction projects in the province or parts of the province;

(c) by striking out clause (d) and renumbering clause (e) as clause (d);

(d) by adding the following as clause (e):

(e) respecting any matter the Lieutenant Governor in Council considers necessary or advisable to carry out the intent and purpose of this Act.

(e) by striking out clause (f).

**[French version]**

*Il est proposé que le paragraphe 20(1), énoncé au paragraphe 16(1) du projet de loi, soit amendé:*

*a) par substitution, à l'alinéa b), de ce qui suit:*

*b) définir les termes et les expressions qui sont utilisés dans la présente loi, mais qui n'y sont pas définis, y compris le terme "Winnipeg";*

*b) par substitution, à l'alinéa c), de ce qui suit:*

*c) préciser et définir des catégories d'employés oeuvrant dans l'industrie de la construction, y compris les aides, les gens de métier, les ouvriers non spécialisés de la construction, les travailleurs sans qualification et les étudiants, et préciser le rapport qui doit exister entre les membres des diverses catégories qui sont autorisés à travailler dans des ouvrages dans l'ensemble ou certaines régions de la province;*

*c) par suppression de l'alinéa d) et par substitution, à la désignation d'alinéa e), de la désignation d'alinéa d);*

*d) par adjonction, après le nouvel alinéa d), de ce qui suit:*

*e) prendre toute autre mesure nécessaire ou utile à l'application de la présente loi.*

*e) par suppression de l'alinéa f).*

Essentially, I understand this to be at the recommendation of the Legislative Counsel to clarify the

power to define various words, and in fact addresses some of the concerns that the member for Transcona (Reid) raised in respect of definitions such as journeypersons which is specifically recommended or specifically enumerated in (c).

**Motion presented.**

**Mr. Chairperson:** Any further discussion?

**Mr. Reid:** Mr. Chairperson, I am not sure. Can you advise, is it appropriate to ask questions on the intent of that whole section under regulations?

**Mr. Chairperson:** Yes.

**Mr. Reid:** Well, I would like to get a clear understanding here of what the minister's intent is with respect to this section. In the bill, under Regulations, 20(1), it talks about the government taking to itself certain powers for the Lieutenant-Governor-in-Council that may make regulations which will affect the types, class, and size of projects in construction, the definition of "Winnipeg," the ratio of helpers, the ratio of unskilled labourers to general construction labourers, and also the exempting of any Crown agency or class of employers or class of employees from application of this act.

So that leaves me with the impression, Mr. Chairperson, and this is what I want to ask the minister: Why is it that he feels that the department and the Premier need to have that type of power?

**Mr. Toews:** Well, without getting into a long lecture on the importance of regulatory-making powers in the context of the statutory instrument, it is important that government be given, through the agency or the permission of the Lieutenant-Governor the power to define, the power to expand the details of a particular act. The act sets out the general principles and the regulations insofar as they are not inconsistent with those principles of the statute, assists the courts and others to determine in fact what the law is. This gives the Lieutenant-Governor-in-Council the flexibility, as with any other statute, to make regulations to ensure that people understand exactly what the law is. When problems arise in respect of certain areas and these problems need to be addressed in an efficient and a rapid manner, the Lieutenant-Governor-in-Council can in fact make the appropriate regulations without coming back to the House

The regulation-making power in our British parliamentary tradition is essentially a delegation by the Legislature to the Lieutenant-Governor-in-Council to make regulations in respective manners, provided that they are consistent with the general principles of the act.

**Mr. Reid:** So what the minister is saying here is that every Wednesday cabinet meeting the Premier as the Lieutenant-Governor-in-Council will be able to change the regulations affecting the majority of The Construction Industry Wages Act by defining the class and size of projects, defining or exempting a Crown agency or any class of employers or employees from under the act. I cannot understand why, even with the explanation that the minister attempted to provide here, that the minister would need, or the Premier would need, to have that type of power to give that exemption. Why do you need that type of flexibility, if that is what you are requiring here? Why is it that you think in the current act you need the powers to exempt certain projects from inclusion under this act, and why do you need to exempt certain employers or employee groups from inclusion under this act?

**Mr. Toews:** Regulation by its mere operation excludes or includes certain sectors of the economy or of the world, and if one looks at 20(1) of the present act, there is a very general provision which, in my opinion, is much more dangerous if one considers granting the Lieutenant-Governor-in-Council the power to make regulations as a danger. The danger in 20(1), in fact, is that the Lieutenant-Governor-in-Council presently is empowered to make regulations for the purpose of carrying out the provisions of this act according to their intent, and this essentially is without limitation. In many respects I think the more modern and appropriate approach is to put some limits on the Lieutenant-Governor-in-Council to ensure very clearly what type of amendments the Lieutenant-Governor-in-Council should be directing or regulations the Lieutenant-Governor-in-Council should be directing their mind to, and to characterize this as the sole domain of the Premier is clearly a misunderstanding of our constitutional monarchy.

**Mr. Reid:** I recognize the Lieutenant-Governor-in-Council is the Premier, and the Premier delegates the responsibility for these down to the Minister of Labour. I understand that quite clearly, but what it is showing here, and this is the question I have for the Minister of

Labour, because it says that there will be an exemption of Crown agencies, is it the intent of the Minister of Labour and his government colleagues, should construction projects such as further hydroelectric construction in the province occur, that the intent of the government is to exempt such projects from inclusion under The Construction Industry Wages Act?

**Mr. Toews:** One of the social policy reasons behind this particular act is to protect individuals who have jobs that may be affected by weather. The construction industry, in fact, is one that is affected by the weather in our province to a very, very great extent, and the original social policy aims embodied in this particular piece of legislation is to provide workers with a fair living wage so that in the periods of time when they could not work, the theory was that the wage levels could carry them over into the winter. This was at a time when many of the social programs were not as strong as they are today. You and I could sit and argue about whether the federal government is always moving in the right direction in respect of employment insurance and the like, but that is the social policy reason.

\* (1650)

I could foresee, for example, if the Crown were to embark in a particular project and their workers who are, for example, slow during the winter in a particular project do not have enough work, and the government says, you know, we could expand certain areas or certain projects by using our existing employees, the government would say, well, we want them to do it under their existing collective agreement. Most, if not all, government employees are under a collective agreement.

What one would not want to have is the interference of another body of law that would supplant that collective agreement, and so in appropriate circumstances, the Lieutenant-Governor-in-Council may say that the employees from this particular agency, instead of laying them off during the winter, let us use their expertise and let us let the collective agreement that the employees and the employer have freely entered into govern this relationship and ensure that the employees work all year round. This is to the benefit of the employees in that particular situation. So those are the kinds of situations that I see arising, and I do not think there is any untoward intent in this piece of legislation. It clarifies; it allows the

Lieutenant Governor to guide his actions in recommending or in accepting certain regulations.

**Mr. Chairperson:** Any further discussion on the amendment?

**Mr. Reid:** One last comment, Mr. Chairperson, the minister says that through regulation they have the power and the ability to include or exclude. It is clear that under 20(1) there is an ability to exempt Crown agencies or any class of employers or employees. It is clear that the intent here is to exempt or have the powers to exempt. It does not say including here. So there is a definite intent by having that type of wording, and that is why I have raised or flagged this matter with the Minister of Labour that there will be powers there. I am worried that down the road, should there be an opportunity, an economic opportunity for this province to move forward with the hydroelectric development, the intent of this clause is to exempt those particular Crown agencies from having to comply with The Construction Industry Wages Act. I flag that for the minister, and I will leave it at that.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment, then indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those against, say nay.

**Some Honourable Members:** Nay.

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

**Mr. Reid:** On division.

**Mr. Chairperson:** On division. Clause 16(1) as amended—pass.

I am advised that there is a further amendment.

**Mr. Toews:** I move

THAT the proposed subsection 20(2), as set out in subsection 16(2) of the Bill, be amended by striking out clause (f).

**[French version]**

*Il est proposé que le paragraphe 20(2), énoncé au paragraphe 16(2) du projet de loi, soit amendé par suppression de l'alinéa f).*

The substance of Clause (f) would be dealt with by the changes to subsection 20(1), so it is simply a housekeeping amendment.

**Mr. Chairperson:** Amendment—pass. Clause 16(2), as amended—pass; Clause 17(1)—pass; Clause 17(2)—pass.

Before the preamble, Mr. Toews.

**Mr. Toews:** I move,

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

**[French version]**

*Il est proposé que le conseiller législatif soit autorisé à modifier les numéros d'article et les renvois internes de façon à donner effet aux amendements adoptés par le Comité.*

**Motion agreed to.**

**Mr. Chairperson:** Title—pass. Shall the bill, as amended, be reported?

**An Honourable Member:** A recorded vote.

#### Voice Vote

**Mr. Chairperson:** All those in favour of reporting the bill, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those against, say nay.

**Some Honourable Members:** Nay.

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

**Bill 50—The Remembrance Day  
Amendment Act**

**Mr. Chairperson:** The next matter before the committee is The Remembrance Day Amendment Act. Does the minister responsible have an opening statement?

**Hon. Vic Toews (Minister of Labour):** No, I think my statements have been made in the House and elsewhere, and the intention here is clear.

**Mr. Chairperson:** Thank you, Honourable Minister. Does the critic for the official opposition party have an opening statement? On hearing none, I would presume that there is no comment. We will proceed. The bill will be considered clause by clause. During consideration of the bill, the title and preamble are postponed until all the other clauses have been considered in their proper order by the committee. Does the committee wish to consider the bill in blocks of clauses? [agreed]

Shall Clauses 1 to 3 pass?

**An Honourable Member:** No. On division.

**Mr. Chairperson:** All three clauses?

**An Honourable Member:** No, go on the individual.

**Mr. Chairperson:** Clause 1—pass; Clause 2—pass. Clause 3.

**An Honourable Member:** No. On division.

**Mr. Chairperson:** On division. Clause 3—pass; Clause 4—pass; Clause 5—pass; Clause 6(1) and 6(2)—pass. Clause 7.

**Mr. Toews:** I move

THAT Section 7 of the bill be amended by adding the following after the proposed subsection 3.1(2):

**Exception re C.C.S.M. c. L160**

**3.1(3)** Subsection (1) does not apply in relation to the admission of members of the public to, or the sale or offering for sale of liquor, or goods of a type ordinarily sold or offered for sale at retail in connection with the sale of liquor, in,

(a) a liquor store or licensed premises as defined in The Liquor Control Act, or

(b) premises in relation to which an occasional permit is issued under that act.

**[French version]**

*Il est proposé d'amender l'article 7 du projet de loi par adjonction, après le paragraphe 3.1(2), de ce qui suit:*

**Exception — c. L160 de la C.P.L.M.**

**3.1(3)** *Le paragraphe (1) ne vise pas l'admission du public, ni la vente ou la mise en vente de boissons alcoolisées, ni les marchandises habituellement vendues ou mises en vente au détail*

*relativement à la vente de boissons alcoolisées:*

*a) dans un magasin d'alcools ou dans des locaux visés par une licence au sens de la Loi sur la réglementation des alcools;*

*b) dans des locaux à l'égard desquels un permis de circonstance est délivré en vertu de cette loi.*

Perhaps the minister responsible for that particular act could explain this amendment if requested to do so.

**Mr. Daryl Reid (Transcona):** I would like an explanation from the minister on this amendment.

**Mr. Chairperson:** All right.

**Hon. Harold Gilleshammer (Minister charged with the administration of The Liquor Control Act):** This takes the control of the sale of liquor out of The Remembrance Day Act and puts it into The Manitoba Liquor Control Commission Act, an act that we amended last year.

**Mr. Reid:** Why is it that the minister feels that he needs to add this? What will be the consequence of this? Will this allow liquor establishments to open on Remembrance Day after the 1 p.m.?

**Mr. Gilleshammer:** Yes, last year we made amendments to The Manitoba Liquor Control Act which allowed beverage rooms, all licensed facilities to open as they did last year. What was exempt last year was the

retail portion which was the vendor sales. The amendments here will allow the retail part of the hospitality industry to be open.

**Mr. Reid:** Mr. Chairperson, I need some guidance on this then. I do not see in this act any clause in here that would allow this to be incorporated and, if you look at the title of this bill, this is Bill 50, The Remembrance Day Amendment Act; it is not "and consequential amendments act." I would like to have some clarification or some explanation provided by Legislative Counsel on whether or not this matter is in scope with respect to this bill, and where it could show that it would be in scope in this bill, considering that this is not being dealt with under The Remembrance Day Act itself.

**Mr. Chairperson:** Mr. Reid, I am advised by Legislative Counsel that this matter is in scope and, therefore, is accordingly appropriate to be considered under this bill.

\* (1700)

**Mr. Reid:** I do not see, Mr. Chairperson, and I would like to see, while you may be advised of that, how it can be in scope considering that this is not an "and consequential amendments act," as would indicate in the title, to allow other sections of other acts to be amended as we are attempting to do through the inclusion of this amendment. I do not know how it is in scope. Perhaps you can provide that explanation for me and show me where and how it is in scope.

**Mr. Chairperson:** Mr. Reid, I do believe that I am advised that the concerns that you have refer to the next amendment that will be presented and do not apply, in fact, to this amendment.

**Mr. Reid:** Well, Mr. Chairperson, this will allow for the sale or offer for sale in retail in connection with the sale of liquor in a liquor store or licensed premise. I am not sure how that fits in with this particular bill that we are dealing with here. It is my understanding that the government had some difficulties in dealing with this particular section or other sections involving a problem that had been brought to the government's attention, but no one has approached me with respect to this matter to allow for the opportunity to have some chance to go to my caucus to have some debate on this matter. I wish

that had taken place because, quite frankly, I view this as being out of scope. It is not a consequential amendment act; it is an amendment act directly to The Remembrance Day Act, and I do not see how it can be in scope for this bill. Perhaps the minister responsible can provide me with some explanation.

**Mr. Gilleshammer:** I am told by Legislative Counsel that indeed the amendments are within scope. I apologize for not approaching my honourable friend directly. I had spoken to his House leader who gave me direction to speak to another one of your caucus colleagues. If I had been given that direction by your House leader to speak to you, I certainly would have done that last week.

**Mr. Reid:** Mr. Chairperson, can you provide me some direction then on where this clause fits into this act so that I might understand more clearly how that it is in compliance and that it would be in scope?

**Mr. Chairperson:** I believe, Mr. Reid, that the section that is being amended is 3.1(1) which is in the bill which deals with retail businesses prohibited from opening between 9 a.m. and 1 p.m. on Remembrance Day. That is the section in the bill, and the exception or amendment that has been presented for consideration of the committee deals with an exception to that. I believe, therefore, it is on the same topic and therefore is within the scope.

**Mr. Reid:** That particular Section 3.1(1) you referenced, Mr. Chairperson, does reference the selling of any goods or services in a retail business establishment, but it is my understanding that—and I could be wrong on this—under The Manitoba Liquor Control Act there is separate regulation of those products that would not be included under the retail business. Perhaps the Minister of Labour can provide me with some explanation, because I am not an expert on The Manitoba Liquor Control Act, and if there is some way that we can make some explanation here to provide me with some understanding of why you need to do this and why you think that it is in scope, I am willing to entertain that.

**Mr. Gilleshammer:** The manner in which we amended The Manitoba Liquor Control Act last year gave the hospitality industry the authority to open. What was not changed last year was the retail part of that because it was contained within The Remembrance Day Act. This

year, The Remembrance Day Act is being changed to allow retail establishments to open under certain conditions, and, unfortunately, the reference to the retail of liquor is contained in two acts. This first amendment takes it out of The Remembrance Day Act and puts it into the liquor act.

**Mr. Reid:** Would it not be more appropriate then, Mr. Minister, to have an amendment to the liquor act instead of trying to include it under The Remembrance Day Act?

**Mr. Gilleshammer:** This ultimately will do that.

**Mr. Reid:** So then this becomes an "and consequential amendments act" and that we would have to amend the title of this bill then.

**Mr. Gilleshammer:** That is correct.

**Mr. Chairperson:** Any further discussion on the amendment? Hearing none.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment, please indicate by saying yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those against, say nay.

**Some Honourable Members:** Nay.

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

Clause 7 as amended—pass.

**Mr. Reid:** Mr. Chairperson, this Clause 7 of the act, which will allow for the wide-open shopping to take place after 1 p.m. on November 11, I find abhorrent. We listened to I believe it was three presentations last evening from members of the public, one who just found out about the proposed changes as a result of communication through the media that this act was going before committee and took the opportunity to come out and make a presentation to our committee telling the government that they are in the wrong direction with this. As the three presenters indicated to us, this will be an

erosion, I believe, of the family values, and that is what we heard from the presenters who came out last evening.

Now I recognize that there are members of the public—and I am talking here with respect to the members and the officers of the Royal Canadian Legion, members of the labour community and members of the business community—who sat together with government and developed this change. I can tell you, as I have already told members in the House during my comments on this bill, that I am opposed to the changes that the government is making through this legislation.

We heard from the three members of the public that came out, and there are admittedly not a lot of members of the public that came out, but of those that took the opportunity, they referenced the erosion of family values by allowing once again wide-open shopping to take place on days that our society holds near and dear. We saw that take place when the government went a few years ago and brought in Sunday shopping on a day—the members opposite like to tell me that they are strong, they believe in strong family values and then they went and brought in the Sunday shopping legislation which allowed people to go to a shopping establishment on a Sunday, taking away, once again, that opportunity for people to spend time together as a family unit.

What we are seeing here again today, through this bill, is the erosion of those family values where families will not have that opportunity to go and participate because some of the people of our communities are going to have to go to work on that day because of the wide-open shopping, the retail business activity that is going to occur on Remembrance Day after 1 p.m.

Yes, those families will be able to participate in the community events that take place, more particularly with legion activities. I have had the opportunity for many years to be involved in those activities, not only on behalf of the community as a representative but prior to being elected, and the member opposite references that he has been involved as well. What I see here, and what members of the public see, is an erosion. I can tell the Chairperson that I have even received calls from his own constituents saying that the government is clearly wrong on this matter, that it is an erosion of the family values.

\* (1710)

While that may be a recommendation that was made to the minister and to the department, I think the minister should have considered quite clearly the effect this is going to have on the community, because I have consulted with the legion members in my community. My colleagues have consulted with the legion members of their community, and the opinion that was brought back to our caucus from our communities that we represent is that this will erode the family time, where families have the opportunity to get together with their children and to instruct them on the purpose of Remembrance Day.

If you have to go to work in the afternoon of Remembrance Day after one o'clock, granted the bill will provide you with time and a half pay, but it still takes away from that opportunity to have parents be there with their children and provide that instruction so we can continue to pass on from generation to generation the reasons why we, in our country, recognize Remembrance Day activities and participate so fully in them. So, Mr. Chairperson, I am opposed not only to this bill but more to this particular section, and I will indicate so in a moment.

**Mr. Toews:** I might just indicate for the record that this particular act was established in 1951, and it has become outdated in a certain respect. Not in respect of the values that each of us as committee members hold very, very dearly, but in respect of the operational administrative problems that have occurred.

There are a number of inconsistencies among similar types of operations, some which are allowed to operate presently under the act and some which are not. Over time, these inconsistencies have resulted in criticisms of the act by the general public, by retailers and law enforcement officials, but more importantly it has resulted in criticisms from veterans themselves. So as a result of year upon year of criticisms, criticisms that perhaps other members of the Legislature are certainly familiar with given their long history as legislators so they know exactly the kind of problems that we are talking about, what the committee was asked to do is to find a way that re-emphasizes that Remembrance Day is not a holiday but in fact is a day of commemoration to honour, to observe and to reflect on the contribution made by Manitobans and Canadians, and so it is for that reason I believe that the committee made recommendations to

retain The Remembrance Day Act as separate from other holiday closings.

This is not a retail holiday closing, and therefore was not put into that particular act. What we are trying to do and what I believe the recommendations do is in fact strike a balance in a pluralistic society where people may not share the same values that I and the member for Transcona (Mr. Reid) do in respect of our veterans and of our peacekeepers. We respect those. We want those observed and, to the extent that it is possible, we want the law to make a public statement of the sacrifice of these individuals through whatever war or activity they were involved in on behalf of Canada.

So we have clarified the law in that respect and also given employees additional rights. One of the rights is a very important right which I think goes a long way to address the concern of the member and that is that an employee has the right to refuse work on that particular day. If the employee does work on that day they are provided with wages time and a half the regular amount.

So while the member and I maybe would like to see a greater amount of observance, perhaps that is not always the function of the law. The law does what it can but, again, the educational aspect is so very, very important. I am pleased that the member continues to be involved in these types of activities as I am myself.

So realizing that as government we have to make decisions, as legislators we have to make decisions, we took this final report and essentially adopted it in every substantive way without deviating from that. The judge who chaired it was Judge John Enns, and the other committee members—and I think it is very important to note for the record that this is not simply a business deal between commerce and labour but in fact involves veterans. It involved Mr. Bill Neil from the War Amps of Canada. He was the chairman of the Joint Veterans Association; Mr. John Gillis of the Korea Veterans Association; Army, Navy and Airforce Veterans Association, Manitoba and Northwestern Ontario Command. It involved Dave Hillis, the command president of the Manitoba-Northwest Ontario Command of the Royal Canadian Legion. It also received the full concurrence of the Manitoba Federation of Labour and the Winnipeg Chamber of Commerce and the Manitoba Chamber of Commerce.

I might just indicate that the first vice-president who sat for the Manitoba Chamber of Commerce, Mr. Jim Forestell, is in fact Lieutenant-Colonel Forestell. So the fact that even business here was mindful of the sacrifice made by our veterans is telling that they too wanted to preserve this as a very, very special day, not a holiday but a commemorative day. So I believe this act does accomplish that very, very important task of valuing the services. While we may not agree in every respect we think it is the best possible solution that we can come up with.

**Mr. Reid:** I would like to ask the minister then, who requested that these changes be made?

**Mr. Toews:** When I came into office and was appointed it was an ongoing problem. I can point out to the member that when I was counsel for the Department of Labour and the Attorney-General's Department from 1979, every year, and I see the member for Brandon East (Mr. Leonard Evans) shaking his head I believe in agreement, these kind of concerns have been brought up year after year after year.

Frankly what it was doing was a disrespect to our veterans that these types of commercial activities were allowed to dominate Remembrance Day and what these amendments try to do is hive off those commercial activities, put them aside, and allow members of the public to focus on Remembrance Day between nine and one o'clock, and I think that is very, very important. But all I can say to the member for Transcona (Mr. Reid) is that there are countless requests and inquiries in respect of inadequacies or inequities in respect of the existing act and that is why I felt that it was very, very important to act on many of these complaints, and the fact that all six of these people in this group agreed unanimously is clearly no better evidence to show that this act required change, required substantive change, and required a continued involvement in our society.

**Mr. Reid:** The minister still did not answer the question because if the minister is going to send this matter to a committee of people, that the minister referenced by his comments, I would like to know from the minister—and that is why I asked the question—who asked for the changes to be made to this act?

**Mr. Toews:** These were recommendations made by the various groups including Mr. John Gillis, Mr. Bill Neil

and Mr. Dave Hillis who represented seven war veterans organizations. Each of these individuals stated that they received strong support from all of their organizations for the recommendations and for us to simply ignore the recommendations in that context would be foolishness.

**Mr. Reid:** Mr. Chairperson, that was not the question on the recommendations. I know that there were recommendations, that the minister has them on this bill. I asked the minister who requested the changes, not the recommendations, but who requested the changes to this legislation. I know, because my own legion, The Transcona Royal Canadian Legion Branch No. 7, in my own community, and I have had the opportunity to sit down and talk of this matter. They tell me that they do not support the provisions that you have in this bill here. You have people who came forward and made recommendations to you that you have named here, but I want to know who requested that you move in this direction. You said that there were recommendations made. Who requested that you move in this direction?

**Mr. Toews:** I simply cannot understand the member for Transcona. When I came into office, there had been numerous complaints and I had a committee struck to look at the particular issue. I did not come with a prepared agenda. I made no recommendations in respect of what this committee should find. I said, is there a way of resolving this problem? If there is a way of resolving this problem, come forward with the recommendations. Mr. Chair, unanimously, these individuals came forward with recommendations, not recommendations that I made. Yes, I agree that I, in the sense, took the bull by the horns and said these complaints have to be dealt with, but the recommendations were not my recommendations. They were the recommendations of the veterans organizations, of the Chambers of Commerce, and the Manitoba Federation of Labour. I cannot be any clearer than that and if the member needs more clarity perhaps he can seek it from members within his caucus.

**Mr. Reid:** Well, I will just advise the minister then that there is a section of the act that we do support, which is Section 2, which allows for the inclusion of the Korean War, the Gulf War, and the international peacekeeping activities after the two World Wars. We recognize that we have a duty and a responsibility to recognize those who served our country in those conflicts and in ongoing peacekeeping activities. The minister talks about

problems in enforcement. Yes, we know there are problems in enforcement. So does that mean that every time you have a problem for enforcement, you just wring your hands and make another erosion at the opening of retail business hours and that eventually you will eliminate those hours totally and that there be no recognition during Remembrance Day?

\* (1720)

Now, you said you had a problem with the types of commercial activity that place. That is not going to change, Mr. Minister. That is still going to happen and you are still going to have problems with your enforcement because people are going to want to break this law as they have in the past. There may be some deterrent because you are changing some of the penalty provisions. That may be part of the deterrent, but I can still suggest to you, sir, that there will be businesses in this province that will believe that they can break this law and get away with it and that you are not going to change anything other than the erosion of the family values for which that day had been set aside in recognition of those that had provided peacekeeping and wartime services on behalf of us so we can all be here living in this country in a free and democratic society. That is why we had set aside that day in recognition of those efforts and for those that made the supreme sacrifice, and now to go to wide-open shopping, retail shopping after 1 p.m. on that day erodes those values and erodes the recognition that we provided for those that gave their lives.

So I tell you, you are on the wrong track here. I do not care, Mr. Minister, if you have unanimous consent. I am telling you here you are eroding the family values the same way you did on the Sunday shopping issue and the same way you did now that October Thanksgiving is no longer recognized and that we have full retail shopping on that day. You are going to end up the same way on this and that is, I believe, the direction that you are headed in. Every time that you make an erosion to this, somebody is going to come along and break the law and you are going to say, well, we have to make changes again. So I tell you, you are dead wrong in this, and I am prepared to vote against this.

**Mr. Chairperson:** That concludes the debate on this section.

Clause 7 as amended—pass.

**Mr. Reid:** On division.

**Mr. Chairperson:** I am sorry? On division. Clause 7—pass; Clause 8—pass.

**Mr. Toews:** There is a motion after Section 8 of the bill, and if I could make that motion now.

**Mr. Chairperson:** Yes, that would be in order.

**Mr. Toews:** I move

THAT the following be added after section 8 of the Bill:

**Consequential amendments, C.C.S.M. c. L160**

**8.1(1)** The Liquor Control Act is amended by this section.

**8.1(2)** Section 1.2 is repealed.

**8.1(3)** The definition “holiday” in section 1 is amended by striking out “, Remembrance Day”.

**8.1(4)** Subsection 54(1) is amended by striking out “or” at the end of clause (a), and by adding the following after clause (a):

(a.1) earlier than 1:00 p.m. on Remembrance Day except when it falls on a Sunday; or

**8.1(5)** Subsection 71(6) is amended by striking out “other than Remembrance Day”.

**8.1(6)** Clause 72(3)(c) is amended by striking out “other than Remembrance Day”.

**8.1(7)** Subsection 72(5) is amended by striking out “other than Remembrance Day,”.

**8.1(8)** Clauses 73(4)(c) and 74(4)(b) are amended by striking out “other than Remembrance Day”.

**8.1(9)** Subsection 76(10) is amended

(a) in clause (c), by striking out “, on Christmas Day or on Good Friday” and substituting “or a holiday”; and

(b) in clause (d), by adding “, whether or not it falls on a Sunday” after “Remembrance Day”.

**8.1(10)** Subsection 76(11) is amended

(a) by striking out “other than Remembrance Day”; and

(b) by adding “, but when Sunday is also Remembrance Day, liquor may only be sold or served starting at 1:00 p.m.” at the end.

**8.1(11)** Subsection 76(12) is amended by adding “, but when Sunday is also Remembrance Day, liquor may only be sold or served starting at 1:00 p.m.” at the end.

**8.1(12)** Subsection 84(1) is amended by adding the following after clause (c):

(d) from 2:30 a.m. until 1:00 p.m. on Remembrance Day, except when it falls on a Sunday.

**[French version]**

*Il est proposé d'ajouter, après l'article 8, ce qui suit:*

**Modification du c. L160 de la C.P.L.M.**

**8.1(1)** *Le présent article modifie la Loi sur la réglementation des alcools.*

**8.1(2)** *L'article 1.2 est abrogé.*

**8.1(3)** *La définition de “jour férié” à l'article 1 est modifiée par suppression de “, le jour du Souvenir”.*

**8.1(4)** *Le paragraphe 54(1) est modifié par adjonction, après l'alinéa a), de ce qui suit:*

*a.1) avant 13 heures le jour du Souvenir, sauf lorsqu'il tombe un dimanche.*

**8.1(5)** *Le paragraphe 71(6) est modifié par suppression de “, à l'exception du jour du Souvenir,”.*

**8.1(6)** *L'alinéa 72(3)c) est modifié par suppression de “autre que le jour du Souvenir”.*

**8.1(7)** *Le paragraphe 72(5) est modifié par suppression de “, à l'exception du jour du Souvenir,”.*

**8.1(8)** *Les alinéas 73(4)c) et 74(4)b) sont modifiés par suppression de “autre que le jour du Souvenir”.*

**8.1(9)** *Le paragraphe 76(10) est modifié:*

*a) dans l'alinéa c), par substitution, à “, le jour de Noël et le Vendredi saint”, de “ou un jour férié”;*

*b) dans l'alinéa d), par adjonction, à la fin, de “, que le jour du Souvenir tombe ou non un dimanche”.*

**8.1(10)** *Le paragraphe 76(11) est modifié:*

*a) par suppression de “, à l'exception du jour du Souvenir”;*

*b) par adjonction, à la fin, de “Toutefois, lorsque le jour du Souvenir tombe un dimanche, le club ne peut vendre ou servir des boissons alcoolisées avant 13 heures.”*

**8.1(11)** *Le paragraphe 76(12) est modifié par adjonction, à la fin, de “Toutefois, lorsque le jour du Souvenir tombe un dimanche, le club ne peut vendre ou servir des boissons alcoolisées avant 13 heures.”*

**8.1(12)** *Le paragraphe 84(1) est modifié par adjonction, après l'alinéa c), de ce qui suit:*

*d) entre 2 h 30 et 13 h le jour du Souvenir, sauf lorsqu'il tombe un dimanche.*

**Mr. Reid:** Perhaps the minister can explain the intent and are these in scope?

**Mr. Chairperson:** I find the amendment is in order, and I would invite Honourable Minister Gilleshammer to expand on the meaning “in scope” as indicated by Mr. Reid.

**Mr. Gilleshammer:** Yes, we are advised by Leg. Counsel that the amendments are in scope. In The Liquor Control Act, each of our licences is identified in a separate clause. So this is making the amendments to all of the clauses that deal with liquor stores, liquor vendors, cocktails lounges, beverage rooms, a subsection of beverage rooms, licences for cabarets, hunting and fishing lodges, private clubs and retail beer vendors.

Each separate clause is amended to be consistent to allow retail opening on Remembrance Day, after one o'clock.

**Mr. Reid:** Well, it goes back to my original point about in scope of the other clause, the other amendment, allowing liquor store and licensed premises. Now we are going to add another section here and go back to my point again.

This is The Remembrance Day Amendment Act; this is not a consequential amendments act, so I do not see, Mr. Chairperson, how this amendment can be in scope and in order when this is not a consequential amendments act. Had the government so intended to do that, they would have tabled that document back in the spring of this year to allow for that debate and that consultation to take place, so I do not see how this can be in scope with this bill. It is not the consequential amendments act.

I ask you, sir, to provide for me some explanation how going to the wide open selling of liquor on Remembrance Day after 1 p.m. furthers the ability of the public to recognize the importance of Remembrance Day. How does that add to that particular day?

**Mr. Gilleshammer:** Changes were made last year, as I indicated earlier, and members from all parties spoke to it. There was no one who voted against it. It allowed for the opening of service of liquor after one o'clock on Remembrance Day. This will become a consequential amendment to this act. We are advised by Legislative Counsel that it is in scope and refers specifically to the retail operation of the hospitality industry with the sale of liquor.

**Mr. Reid:** Mr. Chairperson, can you explain to me how you can bring in an amendment to an act that is not a consequential amendments act prior to that change taking place to the title of the bill?

**Mr. Chairperson:** Mr. Reid, I would advise that I have taken legal counsel on this issue and I am advised that the title to the bill will be amended in due course, and that from a legal perspective this cures any perceived default that there might be in the process and that this amendment is within the scope, according to the opinion of legal counsel who have considered the issue and addressed it. So, therefore, I am accordingly ruling that it is in scope.

**Mr. Reid:** Well, Mr. Chairperson, I would have agreed with that had there been some amendment to the title of this bill prior to these amendments being brought forward to us. Then I would have said that these amendments would have been in scope, but we do not have before us a consequential amendments so, therefore, that has not been dealt with in the sequence of events. The sequence of events is not correct. You cannot deal with consequential amendments under this bill until the title of the bill has been amended, and I do not see how that can take place and how these amendments can be in scope for a bill that does not reflect, even through the title. This bill is a Remembrance Day Amendment Act and consequential amendments, so I suggest to you, Sir, that if that is the advice that you received, it is in error. This bill needs to be amended in title as a consequential amendments before these can be accepted.

\* (1730)

**Mr. Chairperson:** Thank you, Mr. Reid. I am advised, through legal counsel who has considered this matter, that this is within the scope of the bill because the term "retail operations," as referenced by the minister at second reading, includes the operation of liquor stores and premises and is in order.

Further, with regard to your remarks as to the procedural error, that in fact it is customary to amend the title to the bill at the termination of the clause-by-clause consideration, and therefore, I believe, that it is the intention today to amend the title of the bill accordingly in its appropriate place. Therefore, there is no default or breach of authority in this case and so, as a result of advice received, I am proceeding to rule that this is in order; this is the correct procedure; it is within scope and that it is properly debatable.

**Mr. Reid:** So the precedent that you are setting here, Mr. Chairperson—and I want to be very clear on this—is that for a bill that may come in, either as a government bill or a private member's bill in the future, that may have a specific title, can have the bill with a title specifically referencing one act, and that I or any other members of the Legislative Assembly can bring forward amendments that will allow for the alteration of the title to include consequential amendments to reflect that things that were out of scope can be taken into the context of the bill and

allow that matter to be debated and voted on. Is that the precedent that you are setting here?

**Mr. Gilleshammer:** The member for Transcona has indicated that if we had talked to him ahead of time, we could have worked this out and, again, I apologized earlier. The direction I got from your House leader was to talk to the member for Interlake (Mr. Clif Evans). Had he indicated that I should talk to you, I would have done so.

**Mr. Reid:** Mr. Chairperson, 5:30 p.m., then—

#### Point of Order

**Mr. Leonard Evans (Brandon East):** On a point of order, some of us have been here, because we are not on the committee, but we had a private member's bill, including the Oddfellows bill that I have, and the member for Rupertsland (Mr. Robinson) has one. They are not controversial; they are nonpolitical, and I wonder if we could just agree to pass them because they are very innocuous actually.

**Hon. Albert Driedger (Minister of Natural Resources):** There is no opposition to private member's bills. I think there is a consent to pass those bills, but it was not our members of the committee who have been deferring things and, as far as I am concerned, it is 5:30 p.m., committee rise. I am sorry, it is not our doing; it is your members' doing that is creating the problem.

**Mr. Chairperson:** Excuse me, Mr. Driedger, I believe that there is a motion before the committee right now. I do not believe that we had set or agreed to a prescribed time to rise, and the advice I have received is that we are to proceed to finish off this one step that we are embarked upon before considering any other matters.

All right, what is the will of committee? Is there will of the committee to rise for five minutes? What is the will of committee?

**Some Honourable Members:** Committee rise.

**Mr. Chairperson:** Is it a unanimous consent of the committee to rise at this time?

**Some Honourable Members:** Yes.

**Mr. Chairperson:** All right. Committee rise.

**Mr. Leonard Evans:** Mr. Chairman, there are only two individuals that are going to be involved in this discussion. Why can the committee not carry on with the work of dealing with the other two bills? If you do not do it now, you will be doing it later.

**Mr. Chairperson:** Mr. Evans, I apologize, but I believe the unanimous will of committee is to rise at this time. I can only reflect the will of committee.

**COMMITTEE ROSE AT: 5:35 p.m.**