

Fifth Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Social and Economic Development

Chairperson
Mr. Tom Nevakshonoff
Constituency of Interlake

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT

Thursday, March 17, 2011

TIME – 1 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Tom Nevakshonoff
(Interlake)**

**VICE-CHAIRPERSON – Mr. Rob Altemeyer
(Wolseley)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Ms. Howard, Hon. Mr. Lemieux, Hon. Ms. McGifford

Messrs. Altemeyer, Briese, Goertzen, Martindale, Nevakshonoff, Mrs. Rowat, Mr. Saran, Mrs. Taillieu

Substitutions:

Hon. Ms. Marcelino for Mr. Martindale at 1:12 p.m.

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

PUBLIC PRESENTERS:

Bill 6–The Workers Compensation Amendment Act

Mr. Alex Forrest, United Fire Fighters of Winnipeg

MATTERS UNDER CONSIDERATION:

Bill 6–The Workers Compensation Amendment Act

Bill 11–The Planning Amendment Act

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Mr. Chairperson: Good afternoon. Will the Standing Committee on Social and Economic Development please come to order.

This meeting has been called to consider Bill 6, The Workers Compensation Amendment Act, and Bill 11, The Planning Amendment Act.

How long does the committee wish to sit this afternoon? Mr. Martindale?

Mr. Kelvin Goertzen (Steinbach): Mr. Chairperson, till the work of the committee is complete.

Mr. Chairperson: Mr. Goertzen has said. What is the will of the committee? *[Agreed]*

**Bill 6–The Workers Compensation
Amendment Act**

Mr. Chairperson: We have one presenter registered to speak today. So at this point, I would call upon Mr. Alex Forrest of the United Fire Fighters of Winnipeg to speak to the committee on Bill 6.

Good afternoon, Mr. Forrest. Do you have any written materials for the committee?

Mr. Alex Forrest (United Fire Fighters of Winnipeg): Yes, I do. They're being distributed at this time.

Mr. Chairperson: Okay, our assistants will distribute. You may begin when ready.

Mr. Forrest: I'd like to begin by thanking the committee for allowing me this time this afternoon to speak on this important issue.

What we have accomplished here in Manitoba has been nothing less than amazing. By we, I mean the Manitoba Professional Fire Fighters and the government of Manitoba.

Today, I will speak about the inclusion of four more cancers into the section of The Workers Compensation Act that deals with presumptive legislation and recognizes the tragic connection between firefighting and occupational cancers. But first I need to give you a short history so that you will understand the full ramifications of including breast, prostate, skin cancer and multiple myeloma into this legislation.

In 2002, not a single province in Canada had any type of legislation dealing with firefighters who were diagnosed with occupational cancer as a result of their profession of firefighting.

In Manitoba, not one firefighter had ever had occupational cancer accepted as a WCB injury or death. Manitoba, the government of Manitoba, had the courage to look at this tragic issue. They did not

hide from it or avoid it as some of the other provinces had done, but they commissioned studies to assess the situation and, in the end, the science and the evidence was clear and overwhelming. Firefighters were dying of cancer at a rate of anywhere from two to 10 times that of the general population and they were being diagnosed earlier in life than the average Canadian. We were tragically giving up quantity of life; we were tragically giving up quality of life for the profession that we love.

In 2002, Manitoba became the first province in Canada to enact the legislation. At that time, there was caution, and only five cancers were included. Today, a total of seven provinces and two territories in Canada have or are in the process of creating presumptive legislation to assist firefighters who are stricken with occupational cancers. I have been to almost every one of these jurisdictions and I have met with the government leaders there, and I can say that they have all used the Manitoba model as their template. That shows the strength of this legislation.

The inclusion of four more cancers into this legislation brings the total number of cancers covered in Manitoba to 15. This will make the legislation one of the leaders in Canada, North America, and even the world.

I have just returned from Europe—it was my second trip to Europe—where they are using our legislation as a template for legislation that they are creating in the European Union. But it doesn't stop there. I am also working with countries such as Israel, Australia and New Zealand.

As I previously stated, prior to Manitoba getting the legislation in 2002, not one firefighter had ever been covered for a death or injury as a result of the occupational cancer. Today, with this legislation, there'll be more than 100 firefighters in Manitoba who have or will benefit from this legislation. Although, tragically, many of those who will benefit will be the spouses and children of firefighters who have succumbed to their cancer.

In turning to this bill, amending The Workers Compensation Act will include four new cancers: breast, skin, prostate and multiple myeloma. Science has always been the pillar of this legislation, and I believe that's why this legislation has went across the country so fast and so strong.

Science has shown us that the sad reality is that cancer is an occupational risk of firefighting. Firefighting is the most studied profession in the

world when it comes to occupational health. Scientific studies have also come a long way in the last 15 years. There's been a recent world-renowned study that was done in Ohio in 2007 by LeMasters, et al., and it's shown us that it's not just a possible connection between firefighting and cancers such as skin, prostate and multiple myeloma, but there's conclusive proof of the connection.

Within the scientific world, there's no longer a debate whether or not firefighters get cancer because of their job. They do. It's only a matter of what level and what cancers have the highest level of cancer.

This study was particularly groundbreaking because it was the largest study of its kind in the world. It looked at over 110,000 firefighters across North America and associated three of these four cancers that I bring forward today, skin, prostate, multiple myeloma, and given the size of the study, the margin of error is minimal.

The fourth cancer, breast cancer, I have to advise that the science connecting it to firefighting is not as strong as the other three. This is because breast cancer is predominately a female disease. Although male firefighters do get breast cancer, it's predominately female and we do not have the large number of female firefighters necessary to do a study of this magnitude or of any of the major studies in the last 10 years.

If you look at the number of female firefighters in the fire service, they are part of the fire service but they have very small numbers. Winnipeg has approximately 40 female firefighters and we have—we're only second to Toronto for the number of female firefighters within any large department. Departments such as Edmonton has 12 female firefighters. I believe Calgary has eight female firefighters. So it's very tough to get a study that's able to look at this. So we have to look at the correlation of what the studies say about breast cancer and what are the—one of the main causes of breast cancer, that being carcinogens such as benzene. Every time a female firefighter goes into a fire, they are going to be exposed to very strong levels of benzene; not only benzene, but there's probably over a dozen other known carcinogens that affect breast cancer, and carcinogens is one of the main cause of breast cancer.

So what we're saying is that we need to cover our sisters in the fire service. On behalf of our sisters in the fire service we are asking you to support these women and not penalize them because their numbers

are so small. They deserve to be treated in the same way as their brother firefighters.

In conclusion, the 2007 LeMasters study of over 110,000 firefighters showed us that these cancers are linked to firefighting and it also provides validation for the work we have done here in Manitoba and across Canada. And to give you a level of importance in regards to what it will mean to firefighters, this legislation will be used in the future by firefighters not only in Manitoba, but other firefighters across Canada, because firefighters will die of occupational cancer. There is no way at this time to stop that tragic reality of firefighting.

I am sorry to inform this committee that the levels of cancer are going up in firefighters. Firefighters' life expectancy is going down and cancer diagnosis is happening earlier in a firefighter's career. The quality of fire protection has improved. We have the best equipment in the world to protect us and the quality and efficiency of breathing apparatus and protective clothing has increased five times what it was 10 years ago. That is the good news.

(13:10)

The bad news is that science suggests that the increased use of plastics—there's almost a thousand new plastics coming on the market every single year; housing construction has basically went from wood-based construction to composite, glue-based plastics. The bad news is that science suggests that the increased use of plastics with these deadly carcinogens has increased the toxicity level of fires as much as 25 times what it was 10 years ago. The reason for these increased levels of toxicity is the synergetic effect of combining one carcinogen with another, which increases the lethal nature of the exposure.

What that basically says is that if you have one carcinogen and you add it to another carcinogen within a workplace of firefighters, one plus one is not two on the toxicity level; it's five. If you have a third, you would have one plus one plus one equals 12, or 15 on the toxicity level, and it keeps going up exponentially because the lethal doses go up the higher you include. Some of our fire scenes have upwards of a dozen to 20 different chemicals that interact, and the science does not even know what that means when you interact with those chemicals, because every time we go into a fire, it's an uncertain environment. We do not know what's in there. We do not know what's burning in that house. But we do

know that there's certain chemicals that are there in every fire, whether it's a so-called minor fire of a car fire or a minor fire of a garbage fire, those are all carcinogenic fires that cause cancer.

Our exposure to these deadly chemicals is unavoidable, and so we will continue to die from these occupationally created cancers.

On behalf of the 1,500 firefighters in Winnipeg and the 25,000 IAFF firefighters across Canada, I thank you from the bottom of my heart for what you have done and what you continue to do in Manitoba. Thank you.

Mr. Chairperson: Thank you, Mr. Forrest.

Committee Substitution

Mr. Chairperson: Before I open the floor to questions, I have an announcement. The Honourable Flor Marcelino will substitute in for Mr. Martindale.

* * *

Mr. Chairperson: Questions, comments?

Hon. Jon Gerrard (River Heights): Thank you, Alex. Good presentation, and we strongly support your efforts in terms of improving this, but one question for you. In terms of what's happening with plastics, do you think we need to be relooking at the standards for building codes to try and decrease the risk for firefighters?

Floor Comment: One thing the government—

Mr. Chairperson: Mr. Forrest.

Mr. Forrest: Oh, sorry. One thing that the government of Manitoba has been good is they've been a leader in Canada in trying to help us change the bylaws where—because we know that the fires are burning more toxic and they're burning more intensely and they burn quicker, and what's happened, especially after the tragic fire of 2007 when we lost our two fire captains and four other firefighters were burned very badly, the reason that that fire occurred to such a tragic level was because of the building bylaws, and for years, firefighters were excluded from the building bylaws. The only concern was building houses at a very economical rate and building them fast. With the cost of wood, you're seeing increased use of plastics, and I don't know if we can turn back the clock and look at these plastics, but at least we can understand it more about what it means; newer home and building construction compared to what it was 10 years ago. But I will say that the government of Manitoba,

especially after 2007, has done an excellent job in moving the country through their provincial bylaws for building codes. But we still have a long way to go.

Hon. Jennifer Howard (Minister of Labour and Immigration): I want to thank you, Mr. Forrest, for your leadership on this issue, not only in Winnipeg and Canada, but globally, and the work that you have done with your sister and brother firefighters in presenting the evidence and working with the Workers Compensation Board has been greatly appreciated and I know that you've moved forward this issue leaps and bounds by working with us on it.

I did want you to talk a little bit more about the coverage of breast cancer because that is one of the unique parts of this bill and I know you talked about the science and the issues and numbers of female firefighters. I know when we brought the bill in we were joined by a vast number of those women, and I know you talked to me about the significance to those women of being part of that legislation. But I wonder if you could share some of those comments from those women with the committee also.

Mr. Forrest: Right. The unique thing about breast cancer is that I said that the studies are very weak—firefighting, women firefighters—because there really isn't any. But the connection between carcinogens and breast cancer is probably one of the—the strongest connection of any cancer. So that's why we believe it is.

But on an individual basis, when we brought this forward to our sisters, and this has been commented on not only in Winnipeg but across Canada, because there are female firefighters. We have one that has recently been diagnosed from breast cancer. We have firefighters, women firefighters across Canada, and what this does is this legislation not only protects them, especially many of these women are the primary caregivers for their children as well.

When they came to us and said thank you for moving this forward, it wasn't for their own well-being. They just wanted to make sure that if something was to happen to them, that their children would be looked after, and I think that's what struck me the most, is that there was such amazing concern for their family.

And not—and there's also a final piece to this, is that I think firefighting has been one of the last bastions of women being involved fully in this profession, and it's still in its infancy. Matter of fact,

the senior—the most experienced fire—woman firefighter we have on our job right now has about 16 to 17 years on. So it's really a new issue to have women in the fire service.

Now, what this does is it gives credibility to the fact that they are in the fire service and that they're being acknowledged that they do make a significant contribution to fire service and it's only going to get larger. So I think this legislation really meets with great approval of women firefighters on many levels.

Mrs. Mavis Taillieu (Morris): Yes, thank you, Mr. Forrest, for coming today and for your excellent presentation, and congratulations on all the good work that you've done as the minister has said, not only here but across the country and across the world.

Just further, just extend our appreciation and gratitude to you and all of your colleagues for the good work that you do and, as you know, we have supported this bill right from the very beginning so—and we support it today. Thank you.

Mr. Forrest: Yeah, the unique thing about this bill is that there really wasn't—everybody's worked together on this bill. When we brought it forward, all parties supported it. It was unanimously approved and what that did is it set the groundwork for us when I went into Alberta. We could say that the Conservative Party here had supported it and so Ralph Klein—like, I believe at the time he had contacted Stuart Murray and talked with him, and within three weeks Alberta was the second province to get it.

So this is really a non-partisan bill. This is the right thing to do. Every province in Canada has passed it and I have never seen one person from one political party oppose this, in all the nine jurisdictions that this has passed. So it really is something that it is really good to see, that something like this can get done outside the political agendas.

Mr. Chairperson: Time for the presentation has expired. I still have Mr. Briese on the list. Is it the will of the committee to allow time for one additional question? *[Agreed]*

Mr. Stuart Briese (Ste. Rose): Thanks for your presentation, Mr. Forrest, and I remember in a former role with the municipalities, we lobbied long and hard on firefighters' behalf on this type of legislation. I just have one quick question because I remember it was part of the discussion at the time. Are volunteer firefighters covered by all of this legislation too?

Mr. Forrest: Yeah, like, we've always supported the fact that volunteers were part of this and the government of Manitoba—initially, five cancers were done and volunteers were not included in that initial bill. But the very first time the government had the ability to make an amendment, then volunteers were included. And that also helped volunteers in places like Nova Scotia. For instance, I'm working with Yukon right now and the volunteers are a very important part there. So it has been—and I believe this legislation will apply also to the volunteers as well.

Mr. Chairperson: Okay, thank you very much for your presentation, Mr. Forrest.

Mr. Forrest: Thanks to the committee. Thank you.

Mr. Chairperson: There are no other presenters registered to speak. Is there anyone else in attendance who wishes to make a presentation on either of these two bills? Seeing none, in what order does the committee wish to consider these bills?

* (13:20)

Mr. Doug Martindale (Burrows): In the order according to the agenda for today.

Mr. Chairperson: Okay. As listed, it's been proposed. Is that agreed? *[Agreed]*

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, I will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is this agreed? *[Agreed]*

We will now proceed to clause-by-clause consideration.

Does the minister responsible for Bill 6 have an opening statement?

Ms. Howard: Just briefly, Mr. Chair, I can't say it better than Mr. Forrest said it—the reasons why this bill is important. It's been my honour to be the third labour minister in a row to bring forward this kind of legislation and I want to thank not only Alex, but all of the folks that work with him and all of the firefighters out there who we know are putting their lives on the line to keep us safe.

It was a very touching day to have all of those female firefighters here when we introduced the bill, in talking about the importance of being recognized,

and I was thinking back to when I was a little girl growing up—and I don't know if I would've seen a female firefighter necessarily, and that wasn't that long ago. It was a little while ago, but it wasn't that long ago. Yeah. So it was really powerful to have those women and those role models around us. And I thought that day of the women, the girls who were at home maybe watching the news and what they would see and that they could see that this was also a possibility for their life, but if they chose this path, that they would be protected and that their health and well-being would be important.

I also want to let the committee know that we continue to work with the firefighters and the Workers Compensation Board on ways that we can also move forward a prevention agenda, ways that we can move forward earlier detection of cancers because we know the earlier you can detect these things, the better the prognosis often is. So we continue to work on those issues as well.

And I want to commend the staff at the Workers Compensation Board, some of whom are joining us here today, who have been very committed to working in partnership with the firefighters and not only helping firefighters access the benefits that they're entitled to under The Workers Compensation Act, but also on the whole area and the whole topic of occupational disease among firefighters.

So, with that, I look forward to the committee's discussion of the bill.

Mr. Chairperson: Thank you, Madam Minister.

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

Mrs. Taillieu: Thank you, Mr. Chair, and just briefly as well, I think Mr. Forrest did say that beginning in 2002 this was when the legislation started to become—it came forward in Manitoba, and as the minister said, there's been three ministers of Labour, I think, that have brought forward this—these bills for presumptive coverage, and since that time, I mean, we've supported all of the legislation right from the beginning because, as I think it's been said before, it was the right thing to do.

So we do support this. We do support the work of the firefighters, and as I've previously stated, thank them for all of their good hard work they do on our behalf every day, and want to extend my similar thoughts to the people from the Workers Compensation board, as I know they have a large

input into this and have worked very diligently toward this goal as well. So, thanks for that.

Mr. Chairperson: Thank you, Ms. Taillieu.

We will now proceed with clause by clause.

Clause 1 and 2—pass; clauses 3 through 5—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 11—The Planning Amendment Act

Mr. Chairperson: We will now move on to Bill 11. I ask the minister to join us at the table. Welcome, Minister Lemieux. Does the minister have an opening statement?

Hon. Ron Lemieux (Minister of Local Government): Just briefly, just wanting to make a quick comment that the amendment to The Planning Act is really because of the Clean Environment Commission's recommendation in 2007 to improve the technical review process and, in particular, the CEC recommended that Manitoba adopt a new approval process when looking into our extended livestock operations, and the Province has accepted these recommendations of the Clean Environment Commission.

Just briefly, the new review process would include a comprehensive site assessment for all livestock operations involving 300 or more animal units, an opportunity for the public and government departments to review and comment on the site assessment, a summary report by the technical review committee that addresses comments raised in the government and the public review and local input prior to a conditional use hearing by the municipal council.

So this amendment is needed to enable the Lieutenant-Governor-in-Council to make a

regulation to implement the new approval process. So I would thank all committee members and I look forward to the consideration and—of this important legislation by the committee.

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

Mr. Stuart Briese (Ste. Rose): Thank you, Mr. Chairman, and I want to just put a few remarks on the record on Bill 11.

This is basically enabling legislation and allows a number of things to be done by regulation, and I do hope that when these regulations are being implemented that there is adequate consultation with all the interest groups and shareholders. By creating enabling legislation to regulation, it takes away debate in the Legislature on whatever those regulations may be.

So I hope there's adequate compensation as we go forward. We look forward to having some input in those regulations too, and I hope that the government of the day will consider reconvening the Standing Committee on Agriculture to look at those regulations.

Mr. Chairperson: Clauses 1 and 2—pass; clause 3—pass; enacting clause—pass; title—pass. Bill be reported.

That concludes our business today. The hour being 1:28, what is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 1:28 p.m.

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