

Fourth Session - Fortieth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Social and Economic Development

Chairperson
Mr. Bidhu Jha
Constituency of Radisson

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MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT

Thursday, June 18, 2015

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Bidhu Jha (Radisson)

VICE-CHAIRPERSON – Mr. Peter Bjornson (Gimli)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Ms. Braun, Hon. Messrs. Dewar, Nevakshonoff, Robinson

Messrs. Bjornson, Briese, Friesen, Jha, Martin, Smook, Swan

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

Mr. Ron Schuler, MLA for St. Paul

PUBLIC PRESENTERS:

Bill 8–The Conservation Officers Act

Ms. Michelle Gawronsky, Manitoba Government and General Employees' Union

Bill 35–The Workers Compensation Amendment Act (Presumption re Post-Traumatic Stress Disorder and Other Amendments)

Ms. Michelle Gawronsky, Manitoba Government and General Employees' Union

Mr. Kevin Rebeck, Manitoba Federation of Labour

Mr. Cameron Abrey, Manitoba Association of Fire Chiefs

Ms. Sandi Mowat, Manitoba Nurses Union

Mr. Loren Remillard, Winnipeg Chamber of Commerce

Mr. Curt Martel, United Food and Commercial Workers Local 832

Mr. Eric Glass, Paramedic Association of Manitoba

Bill 200–The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act

Mr. Peter Cantelon, Canadian Fossil Discovery Centre

Mr. James Bamburak, Geological Survey of Manitoba

Bill 212–The Consumer Protection Amendment Act (Gift Card Inactivity Fees)

Ms. Gloria Desorcy, Consumers' Association of Canada–Manitoba Branch

WRITTEN SUBMISSIONS:

Bill 35–The Workers Compensation Amendment Act (Presumption re Post-Traumatic Stress Disorder and Other Amendments)

Alex Forrest, United Fire Fighters of Winnipeg

MATTERS UNDER CONSIDERATION:

Bill 3–The Manitoba Floodway and East Side Road Authority Amendment Act

Bill 8–The Conservation Officers Act

Bill 12–The Water Protection Amendment Act (Aquatic Invasive Species)

Bill 35–The Workers Compensation Amendment Act (Presumption re Post-Traumatic Stress Disorder and Other Amendments)

Bill 200–The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act

Bill 212–The Consumer Protection Amendment Act (Gift Card Inactivity Fees)

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Clerk Assistant (Ms. Monique Grenier): Good evening. Will the Standing Committee on Social and Economic Development please come to order.

Before the committee can proceed with the business before it, it must elect a new Chairperson. Are there any nominations for this position?

Mr. Andrew Swan (Minto): I nominate Mr. Jha.

Clerk Assistant: Mr. Jha has been nominated. Are there any other nominations?

Hearing no others, Mr. Jha, will you please take the Chair.

Mr. Chairperson: Our next item of the business is the election of the Vice-Chairperson. Are there any nominations?

Mr. Swan: I nominate Mr. Bjornson.

Mr. Chairperson: Mr. Bjornson has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Bjornson is elected Vice-Chairperson.

The committee has been called to consider the following bills: Bill 3, Manitoba floodway and east side roadway authority amendment act; Bill 8, The Conservation Officers Act; Bill 12, The Water Protection Amendment Act; Bill 35, the Workers Compensation amendment act; Bill 200, The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act; Bill 212, the consumer protection amendment act, the gift card interactive fees.

Now how late does the committee wish to sit this evening?

Mr. Cameron Friesen (Morden-Winkler): I would recommend that the committee would sit until all the witnesses have been heard and then until the business of this committee has been concluded.

Mr. Chairperson: Is this agreed? *[Agreed]*

We have a number of presenters registered to speak tonight, as noted on the list of the presenters before you. On the topic of determining the order of public presentations, I will note that we have out-of-town presenters in attendance, marked with an asterisk on the list.

With this consideration in mind, in which order the committee wishes to hear the presenters?

Mr. Friesen: I would recommend that we would give the floor first to those presenters who are from out of town to accommodate their travel needs.

Mr. Chairperson: Is that agreed? *[Agreed]*

Now we have among the presenters, we have one additional name, Cameron Abrey, Manitoba Association of Fire Chiefs, and that is on Bill 35. So the name is added.

A written submission from Alex Forrest, United Fire Fighters of Winnipeg, on Bill 35 has been received and distributed to the committee members.

Does the committee agree to have this submission appear in Hansard transcript of this meeting? *[Agreed]*

Public presentation guidelines—before we proceed with the presentations, we do have a number of other items and points of information to consider.

First of all, if there is any else in the audience who would like to make a presentation this evening, please register yourself with the staff at the entrance of the room.

Also for the information of all presenters, while written versions of presentations are not required, you are going to be—if you are going to accompany your presentations with written materials, we ask you to provide 20 copies. If you need help with photocopying, please speak to our staff.

As well, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations with other five minutes allotted for questions from the committee members.

If a presenter is not in attendance while their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called the second time, they will be removed from the presenters list.

Speaking in committee, prior to proceeding with public presentations, I'd like to advise members of the public regarding the process of speaking in committee. The proceedings of our meetings are recorded in order provide a verbatim transcript. Each time someone wishes to speak, whether it is to be an MLA or a presenter, I first have to say the person's name. This is the signal for Hansard recorder and which is—which makes it on and off.

Thank you for your patience.

We will now proceed with the public presentations, but I'd like you to please recognize—I have to recognize your name so you kindly raise your hands when you wish to speak.

Bill 8—The Conservation Officers Act

Mr. Chairperson: So I will now call on Michelle Gawronsky on Bill 8, which is The Conservation Officers Act.

Do you have any written material for distribution to the committee?

Ms. Michelle Gawronsky (Manitoba Government and General Employees' Union): Yes, Sir, I do.

Mr. Chairperson: Please proceed with your presentation.

Ms. Gawronsky: Thank you very much and good evening everyone.

My name is Michelle Gawronsky, and I am the president of the Manitoba Government and General

Employees' Union. My thanks to the committee for the opportunity to be here tonight and to say a few words about Bill 8, The Conservation Officers Act.

I want to say at the top that I am here in full support of this legislation and would recommend to the committee that this pass unanimously. These protections and enhancement will help keep our Manitobans safe and our provincial parks better places to be both for nature lovers, families and animals.

I may stay in Winnipeg now from Monday to Friday as part of my job as MGEU president, but my home remains in Vita, Manitoba, and in my mind I'm never far from that place and the people who live there.

As someone from rural Manitoba, I understand Bill 8 is important for all kinds of reasons. For farmers that need their fencelines protected, for hunters who need safety regulations and guidelines maintained and overseen, and I'm a mother of an avid hunter so, believe me, this strikes close to home for me, and for Manitoba families whose heritage in this province is pristine forest and wilderness, as well as healthy and secure wildlife.

*(18:10)

I personally meet conservation officers because I'm the woman in Vita that's always calling because I've either rescued a skunk or a pair of abandoned cubs on the side of the highway, so I very much value our conservation officers.

Anyone who values our parks and wilderness areas, which are the jewel that we share as Manitobans, will understand the value of this legislation.

As MGEU president, the organization that represents conservation officers in this province at the bargaining table and in their workplaces, I can tell you our members are in full support of this legislation because they know better than anyone what protects and provisions they need to do their jobs and keep citizens safe.

The new bill makes COs the third largest armed service in Manitoba and fully recognize them as law enforcement officers with the powers of peace officers. It provides officers with the ability to enforce criminal code violations, provincial laws to deal with things like intoxicated drivers or hunters, and violations under The Highway Traffic Act.

With these new powers and responsibilities come new training and standards and the establishment of a code of conduct which will ensure safety for both the officers and Manitobans that enjoy these services. In addition, I note that there will be a creation of a new special investment unit—investigation unit which will be a very welcome addition when you consider how stretched the RCMP are and how long it sometimes takes for them to get to a scene.

My understanding is that this legislation is also supported by the RCMP and we would assume that this in recognition—is in recognition of the very great need for this service and the appropriateness of the training and standards and code of conduct referred earlier.

While this is tremendous legislation that our members value and all Manitobans value, I would be remiss if I did not also say tonight that the government needs to begin investing again in the Department of Conservation and in the facilities in our parks and wilderness area. I couldn't miss that one out. This is too important a resource to continue to see the kind of cuts we've seen in recent years to Conservation.

Having said that, I would like to commend the government on this legislation and acknowledge the hard work also that our Natural Resource Officers' Association has done in seeing this through to fruition, and I thank you again to the committee for the opportunity to say these few words.

Thank you so much.

Mr. Chairperson: Thank you for your presentation.

Do members of the committee have any questions?

Go ahead, sir.

Mr. Shannon Martin (Morris): Thank you very much for your presentation and time. You make a comment in your presentation about this is too important a resource to continue to see the kinds of cuts we have in recent years in Conservation. I'm wondering if you can expand a bit about what in particular you're referencing. *[interjection]*

Mr. Chairperson: Sorry, kindly address—yes.

Floor Comment: Just to ensure—

Mr. Chairperson: Ms. Gawronsky, please go ahead.

Ms. Gawronsky: Thank you. Just to ensure that we have, you know, that the funding is there to be able

to ensure that open positions are filled as quickly as they possibly can to ensure the safety of Manitobans, and to ensure that our conservation officers are fully equipped.

Mr. Martin: Are you suggesting then that unfilled positions aren't being filled on a timely basis from your perspective. *[interjection]*

Mr. Chairperson: Ms. Gawronsky, please address through the Chair. Thank you, go ahead.

Ms. Gawronsky: Sorry. No, that's not what I'm suggesting. I just want to ensure that the government is ensuring that there is sufficient funds there always.

Hon. Jon Gerrard (River Heights): Yes, thank you for your comments which are certainly welcome, and speaking to somebody from rural Manitoba that's really good.

Yes, I'd just like to, you know, echo the concern that with the new powers and the ability to participate more broadly. It is really important that there is adequate funding in the area of conservation. There were many sections of Conservation in this last year's budget which saw decreases from the year before and I think it's really important that there's more attention to be paid to having adequate resources, so thank you for your comment.

Hon. Thomas Nevakshonoff (Minister of Conservation and Water Stewardship): Thank you, Ms. Gawronsky, for your presentation and for your one hundred per cent endorsement of this bill. That's very much appreciated on my part. You made reference to farmers and hunters in your opening remarks. I fill in both categories, although members opposite don't think I'm much of a farmer; I don't have the 15 or 20 thousand acres that some of them do, still.

And I also want to acknowledge your comments in regards to this being a modernized armed force, in essence, and that the RCMP are in full support of legislation.

You made acknowledgement to the Natural Resource Officers' Association, and I would like to second that and also to thank the NROA for their support and for their guidance, and I've met with a number of them already and have many natural resource officers in my circle of friends, so I would do everything in my power as minister now to address the needs of this particular group of people that serve our province so well.

And just on that note, I think, once again I'd like to thank you for your presentation today.

Mr. Chairperson: Thank you, Mr. Minister.

Any more questions from anyone?

Thank you for your presentation.

Bill 35—The Workers Compensation Amendment Act (Presumption re Post-Traumatic Stress Disorder and Other Amendments)

Mr. Chairperson: Now we will go to Bill 35, and I would request Ms. Gawronsky to come again on Bill 35.

Do you have any written material for presentation?

Ms. Michelle Gawronsky (Manitoba Government and General Employees' Union): Yes.

Mr. Chairperson: Kindly go ahead and proceed with your presentation.

Ms. Gawronsky: Good evening again, honourable ministers and Mr. Chairman. Again, my name is Michelle Gawronsky and I am president of the Manitoba Government and General Employees' Union. I didn't really think I'd be up here twice back to back, so I'm feeling rather honoured tonight.

The MGEU represents over 40,000 Manitobans who live and work throughout Manitoba in a wide variety of workplaces. Roughly 16,000 are employed directly by the Province of Manitoba and others work in Crown corporations, universities and colleges, health-care facilities, social service agencies and arts and cultural organizations. Thank you for the opportunity to present this—on this important piece of legislation.

Bill 35 is the first of its kind in this country and once again places Manitoba at the top when it comes to enacting progressive laws that protect and support workers. But the people impacted by trauma and workplace injuries are not just workers. I would like to recognize some of the families, the wives, the husbands, the parents and children who have been a foundation of support as hundreds of workers have been dealing with these challenges.

It is with all of these Manitobans in mind that we work every day to advocate that workers are as safe as possible and can return home to their families at the end of the workday. The MGEU has been very involved in representing our membership with claims for psychological injuries, including PTSD.

There has been some debate in other provinces and here in Manitoba over who should be covered

under this type of legislation. I am proud that today's proposed changes recognize all workers regardless of what uniform they wear or what job they do. This is fair, reasonable and recognizes that trauma can, unfortunately, happen to all workers in all workplaces. Imagine a home-care attendant arriving at a home in a community to find a client that they've looked after many years has passed away and they're the ones that find them; a mechanic witnessing a fellow co-worker injured or killed in a garage; or a paramedic arriving on the scene of a horrific motor vehicle accident.

We are unfortunately all too familiar with the hazards of the workplace, and common sense tells us that horrific events can happen anywhere. After all, a worker is a worker, and any job has hazards that can lead to psychological injury or PTSD.

Try as we all do to prevent workplace injuries, tragic and traumatic events occur that leave an invisible wound that's often harder to heal than the wounds that we can see. We're better at addressing those physical injuries than we have been at addressing the psychological ones.

Unfortunately, our membership has experienced difficulties with initial claims acceptance under the current model. On claims of this nature, the long and arduous appeal process has come at a significant cost to our membership. Some of these costs include the length of the appeal process; barriers to accessing treatment; worsening of the illness, which leads to more complex and difficult treatment; and, of course, financial difficulties.

* (18:20)

Without the appropriate treatment and support, the amount of time lost from the workplace increases. This is a huge detriment to the worker, and loss of benefits, seniority, pension contribution and even employment are common. And this also affects the employer. The costs for them also rise.

This legislation is a positive step forward, because if PTSD claims can be adjudicated more efficiently by the WCB, workers will be able to assess the necessary treatment and supports so that they can return to healthy and can return to work. These amendments to The Workers Compensation Act represent a step forward in addressing one of those psychological injuries, post-traumatic stress disorder, in a more appropriate way that is fair, reasonable and consistent. The inclusion of all

workers under this model for PTSD claims makes sense, and it is the right thing to do.

The MGEU welcomes the opportunity to participate further in the development of legislation and policies related to PTSD and other work-related psychological injuries.

I would like to thank and commend all those who were part of the consultation process for proposing ideas that ultimately, if passed, will improve the lives of countless Manitobans who suffer silently each day because of something that happened at work.

Thank you for the opportunity to present this on behalf of MGEU's 40,000 members.

Mr. Chairperson: Thank you, Ms. Gawronsky. Thank you for the presentation.

Do members have any questions?

Mr. Dennis Smook (La Verendrye): I don't have any questions. I just want to comment on your—and thank you for your presentation here tonight. We all know that PTSD is a—people do suffer quite traumatic things from it, and the sooner we can get it looked after, the better off the people are.

So I just want to thank you for your presentation.

Hon. Jon Gerrard (River Heights): Thank you for coming in and talking about this. It's an important subject and it's important that we deal with it well.

I've already spoken at the second reading in full support of this legislation, but one of the criticisms that people have put forward is that you could end up with situations where somebody who has PTSD as a result of something which didn't happen in the workplace could be diagnosed with PTSD and get coverage due to the workplace and that might end up increasing employee benefits.

But it's my presumption that, you know, if a physician or a psychologist who—or psychiatrist who's making the diagnosis—that they would make the diagnosis of post-traumatic stress disorder due to an event in the workplace or due to an event in the home, and these two should be, for example, easily separated as opposed to—and the appropriate, you know, decision made as to whether they should be covered under the workplace or whether it should be covered in some other fashion.

We have argued that there should be much better availability of psychologists, for example, for just this reason. But I just would like your comment that,

you know, this concern that this legislation could be abused by people getting coverage when the PTSD actually didn't occur in the workplace.

Mr. Chairperson: Okay, thank you.

Oh, you want to make a comment? Okay, go ahead, kindly. Yes, Ms. Gawronsky.

Ms. Gawronsky: After working 30-some years in health care from EMS to working on the floor in a nursing home to providing home care, working palliative for people that are passing away from home, I would have full faith in our medical system of being able to decipher and defer what would be what. And I'm sure there would be guidelines set out for that, so I really feel that that would almost be a moot point. I think that a psychologist, a psychiatrist would definitely have the knowledge and the training to be able to differentiate the two.

Mr. Smook: Do you not feel that, like, because it's covered through workmen's comp that possibly we should be looking at it a little further, that it should be also looked at through our health-care system? Because, let's say, for instance, yourself as a first responder and Jon arrive at the scene of an accident, and there's a very horrific accident where a person is dismembered, and both of you end up with PTSD. You'll get covered and he won't. So I'm just wondering what's your feelings on that.

Ms. Gawronsky: I'm not sure. I actually haven't given much thought to where that would go in that piece. It would be something to think about. I think what's really important tonight is that we're getting that first step and bringing it forward for workers and Manitobans. It's legislation that Manitoba is going to lead in this country, and I'm very proud of that fact, so perhaps that's something that could be looked into further at a later time.

Mr. Smook: Are you aware that Workers Comp has been covering PTSD for quite a number of years?

Ms. Gawronsky: Yes, and I have to say that, representing a lot of the workers, there are times when we've had to go back and appeal and be able to take a look at it, and it does take some time, then, to actually get a diagnosis on where it is, does it really stem from it, and we've known from having our specialist in our organization that actually represents our members, that this would be very, very good legislation that would actually promote it further and take it forward, make it easier for members to be recognized.

Mr. Smook: Would you not feel that it should go further right off the bat, where it should be also looked at as a health issue?

Ms. Gawronsky: I would leave that up to the MLAs in this room to be able to decipher how far they want to go with it. We're very proud of where it's gone up 'til now, and I'm hoping that it is going to keep growing as time permits and as things go forward.

Mr. Smook: Thank you very much for your—

Mr. Chairperson: Madam Minister.

Hon. Erna Braun (Minister charged with the administration of The Workers Compensation Act): Thank you very much for coming to present tonight, Michelle, and thank you for the discussions and conversations that we've had and sharing of the stories that helped frame this legislation. So thank you very much.

Mr. Chairperson: Thank you for your presentation.

Now Mr. Kevin Rebeck.

Yes, Mr. Rebeck, do you have any material for presentation?

Mr. Kevin Rebeck (Manitoba Federation of Labour): I do, yes.

Mr. Chairperson: Thank you. Please distribute and go ahead.

Mr. Rebeck: Thank you all for the opportunity to come speak to you this evening. I'm Kevin Rebeck, president for the Manitoba Federation of Labour. It gives me great pleasure to speak to you tonight and share our views on Bill 35.

The Manitoba Federation of Labour represents over 100,000 unionized workers from across the province, and for decades the MFL has been the leading voice for Manitoba workers in promoting safe and healthy workplaces and workers' compensation issues. As the province's largest central labour body, the Manitoba Federation of Labour represents more than 30 unions affiliated with the Canadian Labour Congress. While central labour bodies do not intervene directly with specific compensation claims, many of our affiliates deal with workers' compensation claims based on PTSD.

While PTSD is already compensable under Manitoba's current Workers Compensation Act, we know that it is often difficult for a worker to sufficiently establish a causal link between workplace incidents and PTSD in order to have their

claim accepted. We also know that there remains significant stigma associated with mental illness and injury.

A lengthy, complex process for establishing a workplace connection for PTSD often is a deterrent for workers to come forward with a claim. We also know that delays in accessing treatment for PTSD can result in prolonged and more severe symptoms for workers. Amendments such as those contained in Bill 35 that reduce barriers for Manitobans who experience work-related PTSD will allow them to access treatment and services sooner, facilitating their return to health and work sooner.

According to the Mental Health Commission of Canada, mental health problems and illnesses typically account for approximately 30 per cent of short- and long-term disability claims. Mental health problems and illnesses are rated one of the top three drivers of both short- and long-term disability claims by more than 80 per cent of Canadian employers. Mental health problems and illnesses also account for more than \$6 billion in lost productivity costs due to absenteeism and presentism. While these are Canada-wide statistics, we're confident that similar trends apply in Manitoba.

Manitoba's Five-Year Plan for Workplace Injury and Illness Prevention and the 2014 Throne Speech made a commitment to assist workers suffering from PTSD, and I'm heartened to see those measures today. The goal of making Manitoba the safest place to work in North America, as expressed in the five-year plan, must include strategies for addressing work-related psychological injuries like PTSD. Legislated presumption of other work-related illnesses have allowed for faster access to treatment for those affected workers, and we believe that a legislated presumption in PTSD for the act could provide similar, timely access to treatment and services, allowing them to return to health sooner.

* (18:30)

It's widely accepted that PTSD is not an occupation-specific injury. We know that workers from all occupations have the potential to experience trauma, leading to a diagnosis of PTSD. We also know that it can be very difficult for workers to establish a causal link between trauma experienced at work and a diagnosis of PTSD under the current system.

WCB-claimed data for 2000 to 2014 for stress or other psychological claims shows that 89 per cent of

disallowed claims in this category are from other occupations, while only 2.4 per cent of disallowed claims were from our front-line paramedics, fire-fighters, and police in the same period.

Historically, the MFL has not supported limiting the presumption for PTSD coverage to specific occupations. Presumptive coverage should apply to all workers who experience a work-related event that leads to a PTSD diagnosis, since they can occur anywhere.

Presumptive coverage based on a diagnosis of PTSD for all workers has the potential to allow for more affected workers have timely access to treatment and services, leading a successful return to health and work.

It's a—it is sensible to establish in the act the diagnostic criteria for PTSD that's contained in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition. That document identifies the diagnosis—diagnostic criteria as exposure to actual or threatened death, serious injury, or sexual violation. The exposure must result from one or more of the following scenarios in which the individual is either directly experiences the traumatic event, witnesses the traumatic event in person, learns that the traumatic event occurred to a close family member or close friend with the actual or threatened death being either violent or accidental, or experiences first-hand repeated or extreme exposure to aversive details of the traumatic event, not through media or pictures, television, or movies, unless work related.

While we have concerns about how a comprehensive list of approved triggering events would be determined and how that might impact on a fair and consistent application of this legislative change across occupations, we ask that the MFL and labour unions that represent affected workers be consulted on the composition of the list. Further, we believe that these amendments should apply to all PTSD claims, regardless of the injury date.

Another amendment to Bill 35 that we would like to see is recognition that PTSD is not an injury that is immediately diagnosable in many instances, resulting in potential delays in the reporting of the injury. Evidence shows that significant numbers of individuals experience delayed onset of PTSD symptoms, and those workers should not be penalized for delays in reporting their injury. It's possible to address PTSD claims in a similar fashion to how the WCB treats occupational disease claims. In this regard, in—occupational disease claims may be

filed years after exposure, and there's a case to be made to allow for similar treatment for PTSD claims.

This also provides for an opportunity for additional training, for adjudicators and claim managers on best practices when diagnosing and treating psychological injuries such as PTSD.

When a worker experiences work-related trauma resulting in a diagnosis of PTSD, there are costs associated with that injury. And, when a claim is not accepted by WCB, costs are often borne by the general public through the use of our public health-care system or by individual workers directly when they're forced to pay for services out-of-pocket. When they are unable to pay for services this way, they don't get the treatment they need, resulting in longer, more severe periods of illness.

We have an employer-funded compensation system designed to address injuries and illnesses resulting from work, a system that makes it overly difficult for workers with work-related PTSD to access treatment. It doesn't eliminate these costs; it just shifts the burden to the broader public or to individual workers, resulting in reduced confidence in the WCB system.

The MFL would like to be included in broader discussions about the way that all mental injuries are adjudicated within the Manitoba WCB system. We'll—we believe there are additional opportunities to modernize the act and recognize the impact of mental injury on workers and workplaces in Manitoba.

In conclusion, the Manitoba Federation of Labour is supportive of presumptive coverage for PTSD that applies to all Manitoba workers. We welcome this opportunity to participate further in consultation on the development of this legislation and policies related to PTSD and other work-related psychological injuries.

Thank you.

Mr. Chairperson: Thank you, Mr. Rebeck, for your presentation.

Do members of the committee have questions for the presenter?

Mr. Smook: I'd just like to thank Mr. Rebeck for his words.

Mr. Gerrard: Thank you for coming in and presenting.

Just two questions for you: Because you're the representative of the largest number of employees in the province, I wonder if you have any estimate for the total number of individuals in a given year who would present with PTSD as a result of workplace exposure.

Mr. Rebeck: I don't have those numbers. I would be curious to see myself. We have looked at some of the figures that I don't have with me, but I can see about getting them to government from WCB annual reports on stress-related workplace injuries.

We do know that because of frustration with the system, there are people that don't bring their claims forward on PTSD. I don't believe it would be a hugely significant number in the terms of the total number of claims that WCB sees as a whole. I think sometimes people portray that, well, this will be thousands upon thousands of claims, and that's not the case. We don't believe that to be the case whatsoever. It's a small number in the scheme of WCB overall claims, but for each individual it's an incredibly important change that we're making.

Mr. Gerrard: And one more issue. You've mentioned that 89 per cent of the claims which are rejected are from those who are in workplaces other than firefighters, paramedics and police. I wonder if you've got an example of, you know, the cause of PTSD in other workplaces.

Mr. Rebeck: Well, I think you can pick almost any example. Whatever accident that we might be calling our emergency responders to appear to happened with people in a workplace that saw their co-worker or themselves face a violent or a traumatic or serious injury and they were exposed to it. An example that comes to mind concretely is when the smelter exploded up north in Flin Flon many years ago and the impact that had on many workers there. I'm sure there may have been claims from the first responders who claim and—came and had to deal with that. But those people who work in a mine every day who saw their colleagues die on the job continue today to suffer from that incident occurring, and I'm glad that this is talking about all workers being covered so that we can ensure that workers like that are captured too.

I believe our first responders absolutely face a very tough job on all our behalf and are probably more likely to encounter it. But for those that encounter it and have no training or supports, the idea of this being presumptive for the instance that occurs for us to cover all workers that are exposed to

it is a very good one, and I commend government for taking that view.

Mr. Gerrard: Just wanted to say thank you and because I think it's important that people have an understanding of the other types of exposure which can lead to it, yes.

Mr. Chairperson: Mr. Rebeck—sorry, yes, Madam Minister.

Ms. Braun: Thank you very much for coming this evening, Kevin, and for a very thorough explanation of some of the details of the legislation in your presentation as well, and consultations obviously will continue. So thank you very much on behalf of your members as well.

Mr. Chairperson: Thank you, Mr. Rebeck, for your presentation.

Now, I have Cameron Abrey from Manitoba Association of Fire Chiefs.

Mr. Abrey, do you have written material for presentation?

Mr. Cameron Abrey (Manitoba Association of Fire Chiefs): Yes, Sir, I do.

Mr. Chairperson: Thank you. So kindly go ahead and distribute and proceed with your presentation.

Mr. Abrey: Thank you, Sir.

I would like to thank Minister Braun for the invitation and to the standing committee of the social and economic development as well, for the opportunity to represent the Manitoba Association of Fire Chiefs this evening.

Our association was formed in 1950 and is dedicated to improve the fire service and to provide effective leadership and representation to the fire chiefs in Manitoba. My name is Cameron Abrey, fire chief of the Dauphin Fire Department and the first vice-president of the Manitoba Association of Fire Chiefs. I am asked to pass on the regrets of our president, Martin Haller, who is the deputy fire chief of CFB Shilo Fire Department. Deputy Chief Haller has been diagnosed with PTSD and is seeking counselling for that. He has asked me to express his genuine, heartfelt, sincere thanks in regards to this bill coming forward.

* (18:40)

I would like to thank the minister and those involved in recognizing the need and understanding

what it is that first responders experience in the course of their duties, for not only does it affect those responding but their families as well. I am a second-generation, small-town firefighter. My father spent 19 years as a firefighter and as an ambulance attendant in my hometown. I saw how those incidents affected him and the baggage that he carried as a result of those as well.

Now those were the days where there was no support and people were told to, quote, suck it up. No one would ever admit that they needed the help as they thought it meant that they were weak. These past few decades have taught us otherwise, though. We need to speak up and we need to recognize when we need help.

There are over 240 fire departments with well over 3,500 professional, volunteer or paid-call firefighters, serving their communities across the province of Manitoba. The ladies and gentlemen that respond when called upon see and experience things that are not ordinary. They're responding to incidents that may involve their friends, their neighbours and sometimes even their family members, and as such may be affected mentally and emotionally. Our critical incident stress teams across the province refer to these responses as ordinary people having ordinary reactions to extraordinary events.

Bill 35 is an extremely important step forward in helping to reduce the stigmatism surrounding post-traumatic stress. Not only does this amendment apply to emergency responders, it extends the coverage and benefits to all workers eligible under WCB who are diagnosed with PTSD by a medical professional, a first for Canada. When we see the news headlines and the statistics of lives that have been tragically ended being attributed to PTSD, something must be done.

The MAFC supports this bill and recognizes all the hard work and thanks the stakeholders that have had a hand in moving this forward.

Thank you.

Mr. Chairperson: Thank you, Mr. Abrey.

Any other questions from, yes—

Mr. Smook: No questions, I'd just like to thank you for coming out tonight. It's a few from Dauphin; that's a little drive to come out here to present. I'd just like to thank you for presenting this evening.

Mr. Gerrard: Yes, thank you for coming out and please extend, on behalf of the MLAs, well wishes to

your president of your association and we hope that he recovers well and soon.

Ms. Braun: Chief Abrey, thank you very much for coming this evening and presenting, and please extend my thank-yous to Martin as well for having someone come today and present on this very important issue, and thank you for all the good work.

I had the opportunity of attending the conference at South Beach Casino last week and it was quite wonderful to meet all the fire chiefs across the province doing the terrific work you do.

So thank you very much.

Mr. Chairperson: Thank you, Mr. Abrey, for your presentation.

Bill 200—The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act

Mr. Chairperson: Now we would like to move to Bill 200 because of the out-of-town presenters, Peter Cantelon.

Yes, Mr. Cantelon, do you have any written materials for presentation?

Mr. Peter Cantelon (Canadian Fossil Discovery Centre): Yes, I do.

Mr. Chairperson: Please distribute and go ahead with your presentation.

Mr. Cantelon: Thank you for the opportunity to speak in support of Bill 200. As the executive director of the Canadian Fossil Discovery Centre in Morden, Manitoba, this bill has a great deal of meaning to us and we believe a great deal of meaning and import to the province and to the nation as well. We are very happy to have seen it come forth.

And as a representative of the Fossil Discovery Centre, I should point out to you in what you're being—what you're receiving is just some background information about the life that existed at one point in Manitoba for a very, very, very long time, representing, I guess, some exceptionally distant previous residents, including the mosasaur that is being proposed in this bill to be a fossil emblem for the province.

I don't think I need to remind or educate anyone here on who Bruce is at the museum. Our premier exhibit at 43 feet long, the largest mosasaur on display anywhere in the world, which is a source of pride for us, and also again a great source of

educational content for the thousands upon thousands of students from the province and outside of the province, as well as from the United States, who come up to Manitoba for school tours and get an opportunity to be introduced to something as fearsome and majestic.

I would suggest that the timing of this bill is very incredible. Obviously, this bill has been in the works for quite a while now, but with the release of the recent Jurassic World and its reception globally suggests the interest in dinosaurs and their contemporaries, mosasaurs, is staggering. And for those of you who aren't aware—I'm sure many of you have already heard it—that film in its opening weekend grossed over half a billion dollars and—more than the GDP of seven nations.

There's a high level of interest, whether a source of entertainment deserves that, the point is, there's a great deal of opportunity to educate through the passage of this bill and the elevation of the mosasaur and prehistoric life, dinosaur and marine reptile life in Manitoba, to elevate that and to make sure the world understand that we are a world-class, world-renowned location on a globe when it comes to the science and education that revolves around mosasaurs, et cetera.

I would also just like to point out to you that by elevating the mosasaur to the status of an emblem of the province, you bring a greater level of educational opportunity, again, not only to students of the province, but, again, abroad, as well as the tourism benefit of doing that.

Again, the timing is perfect, and timing in many instances is everything. And so I would encourage the committee to move forward with this bill. I think it can only benefit the province in all kinds of ways.

I would suggest if you have the opportunity to consider it, that you would consider a minor revision that would see the mosasaur designated as the province's official fossil emblem, as opposed to the province's official marine reptile fossil emblem. It's in keeping with the tradition of other provinces that have designated an emblem—rather than designating a very specific niche within the broader fossil environment—as well as other states and nations around the world. It's a just a more—it flows better and it's just more representative of what has been done.

Mr. Chairperson: Thank you Mr. Cantelon, for your presentation.

Any questions from the members?

Hon. Jon Gerrard (River Heights): Thank you for coming to present and for being involved in putting this forward. I've been to your museum many times and certainly enjoyed my visits and want to congratulate you on the work that you do.

Mr. Andrew Swan (Minto): Mr. Cantelon, I want to thank you on behalf of the government caucus for coming down and presenting tonight. Although I represent the west end of Winnipeg, I do have family in Morden, and my brother-in-law actually has served on the board of your centre. I want to thank you and your staff, and of course, your board members and all the volunteers for making the Canadian Fossil Discovery Centre a good but growing attraction here in Manitoba. And I think all MLAs will do what we can to promote more Manitobans coming down and having a chance to visit Bruce and everything else that you have in your centre. So thank you.

Mr. Cameron Friesen (Morden-Winkler): Thank you, Mr. Cantelon, for coming this evening to committee and presenting to us. And I know you have been a tremendous promoter of the CFDC, as have your board members, and you've done a ton of work to shepherd this and other initiatives of the museum forward.

And I appreciate you mentioning as well the fact that this is well timed to coincide exactly with the release of Jurassic World. As a matter of fact, I had a chance today to take a link and go to that website, and I saw there's a whole page of that major motion picture that is dedicated to mosasaurs and telling all about the significance of these creatures and where they would have lived and when they would have lived and what their diet would have been and what they would have looked like. And I was really interested to see that the models there on that website are exactly like the models that I'm seeing rendered by the scientific community, especially with the recent addition of Suzy the mosasaur to join Bruce in the Mosasaur Hall in Morden.

*(18:50)

I thank you for your—also for your comments this evening pertaining to a suggestion to tweak the bill itself. What I wanted to ask you about that—and I appreciate the comment to streamline the language to just fossil emblem and dropping off the marine reptile. What I wanted to ask you about that—and I appreciate the input—do you feel like that change

would also have the wider support of the scientific community within Manitoba, or would some feel that we had perhaps left other possible specimens off the list for future consideration? Does that have the support of the community?

Mr. Cantelon: I believe it does. We were—we—a committee was commissioned by Minister Lemieux to look into this designation, and that committee was made up of representatives of the geological, paleontological and biological studies community throughout Manitoba. Various doctors in—leaders in their field and all of them recommended, at the end of the day, as a committee, that the mosasaur was the best option in terms of representing Manitoba as a fossil emblem. And so, with that in mind and knowing that they each represented other components and other options that were considered, I think then that—and, in fact, I've spoken with the chair of that committee, and they support this as simply the fossil emblem.

Mr. Friesen: Just one question, Mr. Cantelon.

As the CFDC, you're coming off of so many successes in the—in recent history. Right now I'm thinking of the Guinness book recognizing Bruce as the largest specimen in the world. I think about some of the relationships that you have brokered with the University of Manitoba, with a memorandum of understanding. You recently, I think only just last week, you opened a new hall or a new theatre at the museum, and I'm sure there's much more in store, because there always seems to be over there.

What I wanted to ask you about was, with respect to this bill that would see the mosasaur established as a new emblem, what would that mean for the museum? You mentioned education and you mentioned tourism. What would it mean beyond the southern Manitoba region? What would it mean for the province in terms of identity and talking about our uniqueness?

Mr. Cantelon: I think it's important to recognize that by doing this—designating a fossil emblem is something of national importance, and it would receive national and international recognition—there's no doubt. I mean, we have seen international recognition at the CFDC for what I would consider smaller news. This is of critical importance, I think, both from an educational perspective. But, from a tourism perspective and profile perspective, it tells the world that Manitoba is one of the most significant places on the planet when it comes to fossils, and it brings the world in. It's just something

that's at the top of the list in terms of interest right now and has always been interesting to people from a tourism perspective, which is paleontology and geology.

Mr. Chairperson: Thank you. Thank you very much.

Now that concludes the list out-of-town presenters that I have before me.

Are there any persons in attendance who are from out of town and may wish to make a presentation?

Bill 35—The Workers Compensation Amendment Act (Presumption re Post-Traumatic Stress Disorder and Other Amendments)

(Continued)

Mr. Chairperson: Seeing none, we will proceed with the remaining presenters on the list, and we will go to Bill 35. And I would like to call on Sandi Mowat.

Thank you, Ms. Mowat. Do we have any written materials?

Ms. Sandi Mowat (Manitoba Nurses Union): Yes, I do.

Mr. Chairperson: Kindly distribute, and go ahead with your presentation.

Ms. Mowat: Thank you for this opportunity to present on Bill 35.

I am Sandi Mowat, the president of the Manitoba Nurses Union, and I represent 12,000 nurses in every part of this province who deal with trauma as a regular part of their job. As a former ER nurse, I am well aware of the impact of this.

PTSD remains prevalent in the nursing profession. However, it is still under-reported and under-recognized. We know that PTSD in nurses is often misdiagnosed as other disorders such as critical incident stress, anxiety and burnout.

I am here today to speak on behalf of Manitoba's nurses and address the concerns on the ways in which Bill 35 may pose challenges to the nursing profession.

Before I present on Bill 35, I would like to provide a brief overview on why this legislation is integral to the health and well-being of Manitoba's nurses. Nurses and PTSD is a subject that has received very little attention until now.

As highlighted in our research report, we know that the main contributing factors to PTSD in nurses

are: death of a child, particularly from abuse; traffic accidents involving multiple deaths; treating patients that resemble family members—nurses often talk about the pain of losing children that resemble their own—the death of a patient after extraordinary efforts to save them; and violence at work.

Violence or the threat of violence plays the largest role in the development of PTSD in nurses. In Manitoba alone, 52 per cent of nurses have been assaulted, 17 per cent have dealt with individuals with a weapon, and 76 per cent have been verbally abused. While these symptoms and triggers represent the most common encounters, they do not represent all of the PTSD experiences nurses face.

Now that I've provided you with a short background on the nature of trauma in the nursing profession, I would like to take the opportunity to highlight MNU's main concerns regarding Bill 35 and its application to the nursing profession.

Consistently, medical research clearly identifies that the nature of PTSD in nurses is cumulative. Symptoms can be displayed throughout different periods of an individual's life and over time, which causes different triggers to accumulate into PTSD development. Alternatively, Bill 35 defers to the definition of trauma that is referenced in the Diagnostic and Statistical Manual of Mental Disorders, the DSM, and does not recognize the cumulative effect of trauma in the legislation. Our concern is that the DSM can be amended at any time under the discretion of an advisory board. This poses the risk that the cumulative nature of trauma may not always be referenced in the DSM, and therefore it is integral for Bill 35 to be amended to recognize the cumulative nature of PTSD in the legislation.

In fairness of former PTSD claims for all occupations, the second concern speaks to the fact that Bill 35 does not contain a retroactivity period for the presumption. A retroactivity clause would allow individuals who have been previously diagnosed with PTSD prior to the presumption to have the ability to resubmit their claim and be assessed under the presumption. A retroactivity approach aligns with Alberta's presumptive PTSD legislation and policy which states that any former claim providing proof of PTSD diagnosis may be readjudicated under the new presumption. It would not be fair or transparent to exclude those complaints—those claims that have been denied in the past yet still meet the presumptive criteria before it comes into the force date.

The last concern and the one I feel has the most impact for Manitoba's nurses, along with all occupations, is Bill 35's lack of clarity towards the way in which triggering events will be identified in accessing the presumption. The legislation states that individuals must identify a triggering traumatic event as defined under the DSM criteria. However, Bill 35 remains unclear on who decides if the triggering event meets the criteria outlined in the DSM. It remains unclear as to whether or not it will be sufficient for a nurse to come forward with their PTSD diagnosis, confirm that they have experienced a triggering event as per the DSM, or will nurses, along with other professions, be subject to a final determination from WCB to confirm that their identified event meets the criteria? This is a valid concern for Manitoba's nurses, as they consistently experience two main issues with the current WCB adjudication process for PTSD claims.

The first issue is that nurses find it extremely challenging to identify a triggering event as the source of their PTSD. Nurses, similar to other front-line emergency occupations such as firefighters, first responders and police officers, have unique factors within the profession that drastically prolong the exposure and cumulative effects of trauma. Over time, this makes it extremely challenging for nurses to recognize and locate a single acute event as the cause of the PTSD.

Secondly, the current adjudication process contains a wide scope of subjectivity, as the fate of the claim rests heavily on the various interpretations that occur throughout the WCB decision process. This process is not conducive to the symptomology of PTSD, which stresses that PTSD is developed and experienced differently for each individual.

* (19:00)

These two issues demonstrate why we need clarification on the way in which the identification of triggering events will be addressed at the adjudication level. If Bill 35 will require individuals to elaborate on their triggering event and grant authority to the WCB to make the final determination, this will eradicate Bill 35's intent of being true presumptive legislation and nurses will not be further ahead, as they will experience the same barriers and subjectivity issues that are occurring at the current adjudication process for PTSD claims. It is imperative for the language in Bill 35 to be amended so that presumptive requirements and the process is more clear and transparent.

So I just want to tell you a story about a nurse. There's many, but I'm just going to share one with you. So this nurse came to me a few weeks ago with an issue that she's been having. So she has been subjected to prolonged exposure of abuse by a particular patient in her workplace, so right on her unit—verbal abuse, threats, harassment—and that's been going on for a prolonged period of time. Fast-forward to a recent incident that happened where she—a different patient, actually, threatened to physically assault her. So the stress from this prolonged harassment and then this single incident where this one patient threatened to physically assault her caused her to go off on a medical leave. So she filed a WCB claim, went to her family doctor who did actually diagnose her with PTSD, and actually said, in his statement, it was clearly work related. The WCB denied the claim, saying that the triggering event, the threat of physical violence, wasn't serious enough to be a triggering event. So that's very concerning and, certainly, let's—certainly, speaks to why this needs to change.

And so, again, it's positive that we are moving to change Bill 35, but I, certainly, think it also speaks to the fact that we need to have a more transparent, less subjective process for determining what the triggering event is. Nurses are exposed every single day to threats of violence and so—and I guess that's now become use—we're all used to that, I guess, so it seems to be an accepted thing. So, then, when it's—when an adjudicator says this isn't a serious triggering event, the nurse is denied WCB.

That nurse, since then, has had an assessment by a psychologist, who confirmed the diagnosis of PTSD, and WCB has still denied her claim. So I use that as an example to, again, say that it's obvious that we have had challenges that need to be changed. So that's a positive thing, but I also feel it demonstrates as a real-life level why we need to have clarification on triggering events. And, I think, it also speaks to the need for retroactivity. I really believed strongly this nurse should be able to resubmit her claim if her case meets the presumptive criteria.

So, as I've highlighted our concerns for Bill 35, I am pleased to put forward the following three recommendations for this committee's consideration: (1) to strengthen section 4(5.8)(a) by ensuring the cumulative nature of trauma is explicitly recognized within the legislation as opposed to referring to the characteristics of PTSD in the most recent edition of the DSM; (2) to include a retroactivity clause in which a claim that has been 'nied' prior to

the presumptive's coming into force date can be accepted by the WCB if they are able to provide the required medical evidence for re-adjudication according to the presumption; and (3) to amend section 4(5.8) to clearly indicate that the application of the presumption will be based upon the individual's confirmation that they have experienced a triggering event as defined in the DSM and will not be subject to the interpretation of the WCB. Further, Bill 35 should state that if the WCB fails to recognize that the event meets the DSM criteria, the onus will be on the WCB to provide otherwise—to prove otherwise—sorry—as opposed to placing more onus on the claimant to provide clarification.

I would like to acknowledge that Bill 35 represents a valuable piece of workplace health and safety legislation accessible for all Manitobans. A priority for the MNU is to ensure there are more comprehensive supports available for our nurses to respond to PTSD and the effects of trauma. This priority will be communicated publicly early next week as we launch our awareness campaign for PTSD and the nursing profession.

I would like to congratulate the government of Manitoba on its efforts to create legislation that will be of benefit to all workers across the province, and the Manitoba Nurses Union is willing to work alongside the government of Manitoba to strengthen this legislation further.

I would also like to thank all members of the Standing Committee on Social and Economic Development for the consideration of the Manitoba Nurses Union's recommendations, and I would welcome any questions you might have.

Mr. Chairperson: Thank you very much.

Now, questions?

Mr. Peter Bjornson (Gimli): Yes, thank you very much, Ms. Mowat, for your presentation and for your advocacy on behalf of the nurses of Manitoba and the work that you do each and every day on their behalf.

As I was going through your written submission and listening to your oral presentation, I noticed that you were touching on some of the items that you've presented in here but not as thoroughly, given the time limits that you have. So I'm actually going to ask leave of the committee that the written submission actually be included in its entirety in Hansard as well. And I just wanted to thank you for your presentation.

Hon. Jon Gerrard (River Heights): Thank you for your presentation—

Mr. Chairperson: Kindly excuse me just one second.

Mr. Bjornson: I was asking leave of the committee to include the presentation in its entirety, in addition to the oral presentation, be recorded in Hansard.

Mr. Chairperson: Is there leave? *[Agreed]*

Preface

On behalf of its members, the Manitoba Nurses Union (MNU) appreciates the opportunity to present our comments and recommendations on Bill 35, and commends the Government of Manitoba on their innovative response to strengthen Manitoba's workplace health and safety legislation.

In representing over 12,000 nurses across Manitoba, the MNU is advocating for the implementation of stronger supports to address post-traumatic stress disorder (PTSD) in the workplace. While the nursing profession can be gratifying, challenging and rewarding, it also exposes nurses to an inordinate amount of trauma, pain, suffering and death, specifically for prolonged periods throughout their career. PTSD remains prevalent in the nursing profession however it remains under-reported and under-recognized. This can cause PTSD in nurses to be misdiagnosed as other co-morbid disorders such as critical incident stress, anxiety or burnout. Furthermore, a common perception in the nursing profession is that trauma is part of the job which in some cases, leads to the bias that nurses are either immune or not as easily affected as the general public to traumatic situations.

In the recent release of MNU's research report, Post-Traumatic Stress Disorder (PTSD) in the Nursing Profession: Helping Manitoba's Wounded Healers, the MNU examines the prevalence of PTSD in the nursing profession along with identifying priority recommendations to alleviate the effects of PTSD. One of the most integral recommendations includes the implementation of presumptive PTSD legislation as this legislation would formally recognize and acknowledge that trauma is an occupational hazard for the nursing profession.

On June 8, 2015, Honourable Erna Braun, the Minister of Labour and Immigration introduced Bill 35 for its first reading at the Legislative Assembly of Manitoba. Bill 35 is inclusive of all occupations and stipulates that in order for an

employee to access supports, a triggering event must be identified along with proof of PTSD diagnosis by a registered psychologist. As a key stakeholder in the development of Bill 35, the MNU is in support of the intent of the proposed legislation however, there are existing opportunities to strengthen Bill 35 in order to make this legislation more succinct and accessible for all occupational groups, especially for the nursing profession.

MNU's report will highlight the ways in which Bill 35 impacts Manitoba's nurses by reviewing its strengths and limitations. MNU has concluded this report with specific recommendations designed to alleviate the identified limitations in order to strengthen the legislation while maintaining its original intent of being inclusive and comprehensive for all occupations.

Background: Manitoba's Nursing Profession and PTSD Claims Adjudication

The MNU's PTSD research found two key issues were identified by Manitoba's nurses in reference to the current Workers Compensation Board (WCB) process for PTSD claims and their ability to access supports. The first issue was the requirement for an individual to locate a triggering event. Under current WCB policy, individuals are required to locate one acute event, provide great detail about that single event, and demonstrate how that event is believed to be the source of their PTSD. In general, nurses believe this requirement poses a barrier to accessing WCB supports as it fails to recognize the cumulative nature of PTSD. Specifically for the nursing profession, numerous research studies have indicated that PTSD in nurses is a result of an accumulation of many traumatic events which makes it extremely difficult for nurses to not only locate, but provide in-depth detail and description on the triggering event and how it was their cause of their PTSD.

The second issue refers to the subjectivity identified throughout the adjudication process for PTSD claims. Under current practice, a PTSD claim may be considered as an occupational disease when a worker experiences PTSD after the last of many traumatic events that occurred over a period of time. In that type of claim, the WCB may be satisfied if one or more of the events caused the PTSD. However, the claim may not be approved if the WCB cannot determine that a specific event or series of events caused the PTSD. This places more onus on the individual to not only identify the event but also

provide a strong rationale for why they feel that a particular event caused their PTSD. This also exposes claims to various interpretations and inconsistencies, since adjudicators and appeal panel members may have differing interpretations about whether the incident meets the criteria outlined in the policy. This has been apparent in many appeal commission decisions in which cases were accepted under the same criteria that was applied to initially deny the claim.

Discussion: Bill 35—The Workers Compensation Amendment Act—Presumption re PTSD and Other Amendments

While the MNU previously advocated for a presumption based on occupations, MNU recognizes that PTSD is a risk for all occupations as trauma does not discriminate in its ability to afflict and affect any individual. As such, we are supportive of the intent of Bill 35 which represents legislation that is inclusive of all occupations. MNU supports the presumption's requirement for a PTSD diagnosis as this will help individuals address their mental illness. As a formal diagnosis is part of the presumption criteria, MNU is hopeful that the Government of Manitoba will make appropriate decisions to ensure Manitobans have access to psychological or psychiatric services in a timely manner in order to meet this requirement.

The remainder of this report will highlight the MNU's concerns regarding the following limitations of Bill 35:

A. Bill 35 Proposed Amendment: The Recognition of Cumulative Exposures for PTSD

In defining trauma and PTSD, Bill 35 defers to the consultation of the Diagnostic and Statistical Manual (DSM) of Mental Disorders. Despite the fact that the DSM recognizes that PTSD can be the result of an accumulation of traumatic exposures, Bill 35 fails to explicitly recognize the cumulative characteristic within the legislation.

This concern is in relation to the fact that the DSM can be amended under discretionary powers of an advisory board. As such, the recognition of the cumulative characteristics of trauma may not always be referenced in forthcoming editions of the DSM which poses issues regarding Bill 35's ability to recognize the inherent cumulative traumatic exposures many professions face.

B. Effective date of presumption re post-traumatic stress disorder: Section 4 (5.9)

Based on WCB data (refer to Appendix), approximately 53% of psychological injury claims have been denied at the adjudication level with some of these claims presenting a PTSD diagnosis. While diagnosis is not a requirement under the current WCB policy, the MNU expresses concern over Bill 35's negligence to include a retroactivity clause. While the MNU recognizes that retroactivity clauses can cause an increase in administrative efforts at the WCB level, it is imperative for this legislation to encompass the nature of PTSD which is a cumulative effect to traumatic events. As such, individuals who have been previously diagnosed with PTSD prior to the presumption coming into force, should have the ability to resubmit their claim with their original proof of diagnosis to be assessed under the presumption. This approach is similar to Alberta's legislation and policy, which states that any former claim providing proof of PTSD diagnosis may be re-adjudicated under the new presumption.

C. Bill 35 Proposed Amendment: Section 4 (5.8) - Triggering Events

In consideration of its members, the MNU expresses concern on the ways in which section 4 (5.8) of Bill 35 will be applied at the WCB level. As this section stipulates that individuals must identify a triggering event as defined in the DSM, it remains unclear on the amount of depth an individual must provide to prove their triggering event meets the prescribed criteria. Bill 35 references that triggering events will be defined under the current definition of "traumatic events" in the DSM. Based on the most recent edition (5th), triggering events include:

- Directly experiencing the traumatic event;
- Witnessing the traumatic event in person;
- Learning that the traumatic event occurred to a close family member or close friend (with the actual or threatened death being either violent or accidental); or
- Experiencing first-hand repeated or extreme exposure to aversive details of the traumatic event (not through media, pictures, television or movies unless work-related).¹

¹ American Psychiatric Association. *Diagnostic and statistical manual of mental disorders 5th ed.* (2013).

While the DSM's generic definition demonstrates that triggering events vary for each individual, Bill 35 does not elaborate on the specific requirements that the WCB will expect claimants to provide in confirming that a triggering event

occurred at work. This leads to the assumption that individuals will either have to 1) confirm that they satisfy the event criteria as per the DSM, or 2) confirm they satisfy the event criteria in addition to elaborating on specific details of the event while the WCB confirms if they do in fact, meet the criteria of a triggering event.

MNU wishes to express concern over the possibility for the claim to be subjected to WCB's determination of confirming that the event meets the DSM criteria. As such, this legislation will not adequately address or reduce subjectivity errors within the adjudication process as initially brought forward by the MNU during the consultation process with the WCB. Furthermore, this practice will minimize the intent of a presumption as a presumption is intended to eliminate the need for an individual to prove a causal link between two facts. If the identification of a triggering event requires individuals to elaborate on their event's details and be approved by WCB, this reduces Bill 35's ability to serve as true presumptive legislation as the assumption of PTSD would rest heavily the WCB's determination of whether the identified event meets the DSM criteria.

Presumption Based on Triggering Events: Challenges to Manitoba's Nurses

Based on the limitations previously identified, there remains an opportunity for the MNU to provide further clarification on the ways in which Section 4 (5.8) will pose challenges to Manitoba's nurses and their ability to access supports under the PTSD presumption.

Nurses, similar to other front line emergency occupations such as firefighters, first responders, and police officers, have unique factors within the profession that drastically increase the exposure and cumulative effects of trauma. Basing a presumption on triggering events through the use of generic language, as identified in Bill 35, poses the risk of creating further challenges for nurses to access the supports they so desperately need to respond to PTSD. While Bill 35 removes the need for the individual to prove the triggering event arose out of the course of employment, it still creates the onus for the individual to demonstrate that their event aligns with the triggering event criteria highlighted in the DSM. The triggering event criteria in DSM-5 specifically notes that "PTSD is cumulative and can stem from multiple events." Since PTSD relies highly on an individual's unique processing of an event, it can be challenging for individuals to elaborate on

the ways in which one specific event caused their PTSD.

If the application of Bill 35 permits individuals to only confirm that they have either: a) directly experienced a traumatic event, b) witnessed a traumatic event, c) were indirectly exposed to a traumatic event or d) experienced repeated or extreme indirect exposure to aversive details of a traumatic event, then it is anticipated that nurses would not face any challenges to the presumption. However, if the application of Bill 35 permits authority to the WCB to agree that the event meets the DSM criteria, then Bill 35 will pose the same challenges nurses presently face in accessing PTSD supports as this presumption will rest on the determination and subjectivity of the adjudicator.

These concerns are important to note as a unique factor within the nursing profession is that exposure to trauma is prolonged and accumulates over time. As reactions to traumatic events are subjective, many nurses do not recognize what their triggering events are nor can they hone in on one specific event as the lead cause of their PTSD. Providing a presumption based on triggering events may increase individuals' eligibility for the presumption but may decrease eligibility for claims and an increase in subjectivity if it is required for the WCB to agree that an individual's description of the event fits the criteria highlighted in the DSM. This is why it is imperative for the language in Bill 35 to be amended so the presumption requirements and process is clarified and transparent.

Recommendations

Based on the MNU's analysis of the proposed amendments in Bill 35, along with its research findings related to PTSD in the nursing profession, the MNU proposes the following recommendations for consideration of the Standing Committee on Social and Economic Development in amending Bill 35:

1. The MNU requests that Section 4 (5.8) (a) is strengthened by ensuring the cumulative nature of trauma is explicitly recognized within the legislation as opposed to referring to the characteristics of PTSD in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

2. In response to the volume of denied and in-process PTSD claims for nurses, the MNU recommends for Bill 35 to include a retroactivity clause in which a claim—that was denied prior to the presumption's coming into force date—can be accepted by the WCB

if they are able to provide the required medical evidence for re-adjudication according to the presumption.

3. The MNU requests an amendment to Section 4 (5.8) to clearly indicate that individuals will be granted the presumption above and beyond their ability to provide in-depth detail on the specificity of a traumatic event. The application of the presumption will be based upon an individual's confirmation that they have experienced a triggering event as defined in the DSM. Should the WCB fail to recognize that event as meeting the criteria, the onus will then be on the WCB to prove otherwise as opposed to placing more onus on the claimant.

Concluding Remarks

The Workers Compensation Amendment Act is a valuable piece of legislation that will provide Manitoba with the opportunity to become a model jurisdiction for innovative workplace health and safety legislation. The MNU would like to congratulate the Government of Manitoba on its efforts to create legislation that will be of benefit to all workers across the province. The MNU commends the Standing Committee on Social and Economic Development for the consideration of the recommendations that have been brought forward and it is with hopeful anticipation that the MNU's concerns will be addressed.

Appendix - History of PTSD Workers Compensation Board Claims

Chart A: Submitted Psychological Claims from Manitoba's Nurses (2010-2015)²

Data Range	2010-2014
Total Submitted Claims	74
Total Approved Claims	35
Approval Rate	47%
Total Denied Claims	39
Denial Rate	53%
Total Discrepancy (claims that were denied and did not move forward to Appeal Commission)	21 (54%) of total denied claims
Progression to Appeal Commission (based on the total denied claims)	18 (46% of total denied claims)
Approval at Appeals Commission	7 (39%)

² Statistical numbers were produced by the Workers Compensation Board of Manitoba for the period of 2009-2014. Data for the report was extracted from WCB of Manitoba's database on March 11, 2015. Claims are counted based on year that the WCB was notified of the injury/illness. Claims were extracted using a combination of occupation and nature of injury codes.

Chart B: Workers Compensation Board Appeal Commission Claims for Manitoba's Nurses (2000 – 2015)

Data Range	January 1, 1999 – March 6, 2015
Total Submitted Claims	41
Total Approved Claims	15
Approval Rate	37%
Total Denied Claims	26
Denial Rate	63%

Mr. Gerrard: Thank you for your presentation and for your advice for us to be attentive of the fact that PTSD can be the result of cumulative exposure.

I'm just wondering if there is a full acknowledgement that it can be cumulative; then it would be possible to put that there must either be identification of a triggering event or the identification of cumulative exposure, and if you did that, then you might encompass both, without having to require a triggering event. Would that be acceptable? *[interjection]*

Mr. Chairperson: Ms. Mowat, kindly address through the Chair. Kindly go ahead, yes.

Ms. Mowat: Yes, that would—I think that that's—that certainly would be willing to have a look to see if that would address the concerns.

Mr. Dennis Smook (La Verendrye): I just want to thank Ms. Mowat for her presentation.

In your presentation, there are a lot of figures that I appreciate, like, how many claims were approved and disapproved. You did a lot of work on this, and I'd like just to thank you for all your—your submission.

Hon. Erna Braun (Minister charged with the administration of The Workers Compensation Act): Thank you so much for the presentation this evening, Sandi, and thank you for all the work that you do on behalf of your members. The research—your report is very thorough and very interesting and certainly will be looked at, so thank you.

Mr. Chairperson: Thank you, Ms. Mowat.

Now we have Mr. Loren Remillard.

Thank you, Mr. Remillard. Do you have any written material for distribution?

Mr. Loren Remillard (Winnipeg Chamber of Commerce): No, I do not.

Mr. Chairperson: Okay, so kindly go ahead with your presentation.

Mr. Remillard: Mr. Chairman, members of the committee, my name is Loren Remillard. I'm the executive vice-president of the Winnipeg Chamber of Commerce. I'd like to begin by thanking all those that did come to present today, those that preceded me and those that are following me. Their voices are important on this issue and their stories are indeed powerful.

The Winnipeg Chamber of Commerce, founded in 1873, is Winnipeg's largest business organization. We represent more than 2,000 individual businesses of all sizes, of all sectors, from all four corners of the city. Those 2,000 employers employ in excess of 90,000 Manitobans. For 142 years our mission has remained constant, to foster an environment in which Winnipeg business can prosper. This mission, however, is not carried out in isolation. Rather, it builds upon a recognition that healthy and vibrant businesses exist only as a part of a healthy and vibrant community and vice versa. Manitoba's workers' compensation system was built 100 years ago on a historic trade-off. Injured workers waived the right to sue employers in exchange for no-fault insurance for work-related injuries and illnesses. In exchange, employers agreed to fund the compensation system 100 per cent, which continues to this day. Bill 35 is nothing short of a direct attack on this historic trade-off, off-loading provincial liability and costs onto the backs of Manitoba employers.

Let me be clear from the outset, the Winnipeg Chamber of Commerce absolutely supports the Workers Compensation Board of Manitoba. We are committed to creating awareness and reducing incidences of workplace mental health injuries. And, lastly, we recognize and support appropriate measures to address the real and debilitating effects of post-traumatic stress disorder. On this last point, let the record show that our concerns with Bill 35 do not involve WCB coverage for post-traumatic stress disorder for eligible employees when medically diagnosed and the link to the workplace is proven. In fact, neither the government nor WCB have provided any evidence that injured workers are being denied compensation benefits for PTSD work-related injuries as of today. Rather, WCB acknowledges itself all those entitled to WC benefits are already receiving them. The examples that was raised in one of the preceding presentations by the Manitoba government employees' union, in all those instances the current legislation preceding Bill 35 are eligible and—as an acute reaction to a traumatic event.

* (19:10)

The chamber supports providing presumptive coverage for first responders, as is the practice in Alberta since 2012. Exposures to hazards and traumatic events constitute a daily rigour of the workplace for these men and women. There is strong, tangible evidence that exists that links post-traumatic stress disorder in first responders and their workplace. That is not in question. But to suggest that every workplace is subjected to the inherent trauma faced by first responders is just without basis. The current act empowers coverage when a basis does exist.

Our fundamental challenge with Bill 35 is the universal presumption, whereby all cases of diagnosed PTSD are presumed to be work related unless the contrary is proven. It is a system of guilt until proven innocent. Given that the WCB is employer funded, 100 per cent employer funded, and that the majority of Manitoba businesses are required by law to fund and participate in WCB, the impact of this presumption is economy-wide. Bill 35 would create an endless array of scenarios outside the scope of WCB. For example, an employee is having serious domestic issues at home. Through the course of his employment, at a WCB-covered workplace, he is given a poor performance review. He then files a WCB claim for PTSD, confirmed through medical diagnosis. Bill 35 presumes the office setting is the cause of this post-traumatic stress disorder. The employer bears the cost, legitimately and morally the responsibility of our publicly funded health-care system.

The government contends that employer costs will not rise. On what grounds can the government make this claim? There has been no cost analysis done on the impact of this proposed change. We would love to see that cost analysis on which that claim is being made. In the 1980s, in fact, the last time the government moved to increase benefits without due diligence, a huge unfunded liability was created that threatened WCB Manitoba's very viability.

A final point must be made with respect to the consultation process itself, notably that it was neither public nor meaningful. Given that WCB is 100 per cent employer funded, it would have been logical and respectful had the business community be consulted in a meaningful way. Yet, the Premier (Mr. Selinger) himself noted the bill was driven by the nurses' union, MGEU and the firefighters' union. On April 28th, Minister Ashton proclaimed on social media—Twitter, in particular—

that the Province would be bringing forward ground-breaking legislation soon. Just one problem with that—the consultation was still ongoing; it closed May 1st.

Both instances confirm that the public consultation was window dressing on a decision already made. We have now reached a historic low with respect to goodwill, faith and trust by business in the provincial government. Amending Bill 35 so as to restrict presumptive coverage to first responders would be a positive step in showing business that it matters to the provincial government. Thank you.

Mr. Chairperson: Any questions?

Mr. Gerrard: No, go ahead.

Mr. Smook: I'd just like to thank you for your presentation, and it's made things a lot clearer as to some of the theories that I was asking about, whether it should be funded through the health organization or through Workers Comp. I want to thank you.

Mr. Remillard: I just—again, on that, the—no one is taking issue with the fact that this is a real issue that needs to be addressed. That is not what is in question here; it's where does that responsibility reside. I do not want this issue to be that business does not see the real and pressing need to deal with these issues. That is not the issue. It is really: Where does that responsibility lie? Thank you.

Mr. Chairperson: Thank you.

Mr. Gerrard: Now, one of the concerns that you raised is the concern about whether the PTSD derives from workplace versus a non-workplace environment. And it would seem to me that the legislation provides for—there must be exposure to a traumatic event, a highly significant event in the workplace would be associated with the development of post-traumatic stress disorder. If, you know, if that is not sufficient, are you suggesting that there could be language would make it clearer because surely the—that would seem to exclude post-traumatic stress disorder which occurs as a result of exposure outside of the workplace?

Mr. Remillard: The issue here is that the existing legislation allows for appropriate coverage of eligible workers in those instances where that is that link to the workplace. Our issue here, really, at the end of day, is really the universal presumption beyond what is already there and is serving the needs of the public appropriately and as was intended by WCB.

The universal presumption just goes well beyond the case that there is a need for it to go beyond, and even then, again—well, you know, I'm just going to leave it there. Really, the issue is the current legislation. There's no evidence that people are not getting the eligible benefits that they are entitled to. If there is evidence to that, produce it.

Ms. Braun: Thank you, Mr. Remillard, for presenting this evening and sharing your perspective on Bill 35.

Thank you very much.

Mr. Chairperson: Thank you.

We have Curt Martel. Yes, Mr. Martel, do you have any written materials to—

Mr. Curt Martel (United Food and Commercial Workers Local 832): I do not.

Mr. Chairperson: Okay, so kindly go ahead with your presentation.

Mr. Martel: Before I begin, I would just like to thank the committee for affording me the opportunity to appear here tonight to speak to this important bill. I cannot express my support for these amendments strongly enough.

PTSD is a disorder that can affect workers in any occupation, be they working as firefighters, first responders of another kind, or in the retail sector, the security sector, or any job.

I would like to share a few examples that our Local UFCW 832 is aware of of workers who have developed post-traumatic stress disorder as a result of the performance of their job duties.

The first example I would like to share is one of our members, a truck driver whose job required him to deliver product to different communities throughout the province. Our member was driving along the highway; he saw a car accident ahead of him and stopped to provide assistance. One of the victims in the accident was severely injured and later died. Our member acted appropriately throughout the incident, but, in the following days, he developed post-traumatic stress disorder symptoms. He was immediately diagnosed, and there were no problems having his claim accepted other than the employer appealing for cost relief, which the local did not become involved with as it did not impact our member.

The second example I would like to share with the committee this evening is that of a security

guard, a young woman in her early 20s whose job required her to perform patrols of an apartment building. One apartment housed a tenant who had not been seen for several days. Our member was instructed to open the door of the apartment in order to perform a welfare check. As soon as she opened the door, she noticed a strong stench and saw a decomposing body on the floor. She was understandably traumatized by this event. She quickly developed symptoms of post-traumatic stress disorder, and her claim also went through without issue.

The third example I would like to share this evening is that of a Safeway cashier who was robbed at gunpoint. She did not develop any symptoms of post-traumatic stress until months after the event had occurred when she was compelled to testify in court. Following her court appearance, the symptoms manifested themselves, and she was diagnosed with post-traumatic stress. Her claim was originally denied due to the lengthy period in between the event occurring and the onset of the symptoms. Upon appeal, her claim was won. The presumptive clause would have helped this member significantly.

Years later, the member, again, experienced difficulties with the symptoms of post-traumatic stress when she began having strong emotional responses whenever she saw somebody in her store wearing a balaclava. Because several years had passed between these two occasions, her claim for recurrence was denied due to the strict requirements for accepting recurrences which do not make sense for cases of post-traumatic stress disorder.

The local is also aware of a fourth case. This is not one of our members, but it is a well-known story and I feel compelled to share it. A young worker's parents approached the Manitoba Federation of Labour to share their son's experience with a horrific workplace accident. A young man in his early 20s was cleaning ventilation ducts in an industrial plant here in the city. He had to be lowered down the duct, on a chair, with a rope tied to it. Another young worker held the rope at the top of the duct and would slowly lower the chair down as his co-worker chipped away at the paint buildup on the inside of this duct.

* (19:20)

While chipping away at the paint that had accumulated on the interior of this duct, sparks were flying and eventually one of these sparks ignited. The fire in the air around the worker in the chair

burned that worker and the rope. The chair fell to the bottom of the duct and the other worker was not able to pull him back from the fire. The worker in the chair was burned over 90 per cent of his body and he was given little chance to live, but after extensive skin grafting, he did pull through.

The worker at the top of the duct was helpless and he had to listen to the screams of his co-worker for quite a long time before he was rescued. The worker at the top of the duct was not physically injured but he did suffer from PTSD. His claim also went through without any problems.

But I feel this highlights the point I would like to make here tonight, is that post-traumatic stress can impact workers in any occupation, not just first responders, as my associate from the chamber of commerce would suggest.

Thank you.

Mr. Chairperson: Thank you, Mr. Martel.

Any questions?

Mr. Smook: I'd like to thank you for your presentation.

Mr. Gerrard: Thank you for your presentation and for the helpful illustration.

Ms. Braun: Thank you, as well. Thank you for sharing those stories. They're very graphic and certainly demonstrate it goes beyond all occupations. So thank you very much.

Mr. Chairperson: Now, Eric Glass. Do you have any material, Mr. Glass, to distribute?

Mr. Eric Glass (Paramedic Association of Manitoba): Yes, Sir.

Mr. Chairperson: Please go ahead.

Mr. Glass: Good evening and thank you. My name is Eric Glass and it's my pleasure, as the administrative director of the Paramedic Association of Manitoba, to address the Social and Economic Development Committee on the subject of Bill 35, the workers compensation amendment act, presumptive for post-traumatic stress disorder.

Earlier this month when Premier Selinger and Minister Braun declared the government's intent to introduce very broad presumptive legislation for post-traumatic stress disorder, we applauded the announcement. Today as we meet to discuss Bill 35, we once again congratulate the government for moving to recognize and support the many

Manitobans from all walks of life who suffer from this occupational disease.

The Paramedic Association of Manitoba is a voluntary membership professional association for licensed paramedics throughout the province. With over 1,500 members, we represent nearly 80 per cent of the province's 1,950 licensed paramedics working in urban and rural communities, on the ground and in the air, all across Manitoba. We strive to promote excellence in pre-hospital emergency health care and within our profession, and are committed to protect the public by promoting excellence in paramedical care and encouraging the highest ethical standard.

According to a 2014 survey conducted by our national parent organization, the Paramedic Association of Canada, with the assistance of Abacus Data, 73 per cent of Manitoba paramedics have identified a personal need for psychological support following a critical incidence they experienced, and 68 per cent identified the same need resulting from the cumulative effect of interest-of incidence, excuse me-experienced throughout their career.

The Paramedic Association of Manitoba continues to work with PAC on a national mental wellness strategy and most recently discussed a series of mental health recommendations with members of the Legislative Assembly during our annual visit to the Legislature in May. This is an area of great interest and concern to our profession.

Post-traumatic stress disorder and the very serious consequences that can accompany this issue, has received significant attention in recent years. We're pleased to know that PTSD is a priority for our provincial legislatures-legislators. Amending The Workers Compensation Board Act to recognize PTSD as a presumptive injury will reduce the anxiety that PTSD victims experience. It's a significant step forward, and together with developing a supportive environment, including appropriate education and an emphasis on timely treatment and rehabilitation programs, it validates PTSD as a real and complex problem and helps reduce the stigma attached to this illness.

Between April 29th and December 31st, 2014, 27 Canadian first responders suffering with PTSD died by suicide. Already, in 2015, 15 of our first responders have taken their own lives.

The importance of protecting the physical and mental health of our emergency services personnel has never been more evident. Ensuring workers from

all walks of life have access to compensation coverage and treatment for PTSD as soon as possible is crucial in order to successfully resolve their symptoms.

The proposed amendments to the WCB act can improve timely access to benefits and treatment that will be beneficial to those suffering mental health issues.

The advantage of presumption based on a diagnosis would seem obvious in that a medical diagnosis of PTSD leaves little room for argument against compensation and immediate professional treatment. PTSD treatment outcomes are generally more effective when appropriate care is made available soon after the trigger has occurred.

PTSD presumption will undoubtedly reduce the stigma of mental health illness that currently precludes many victims from even seeking help and thus ensure better outcomes through the provision of more timely access to benefits and treatment.

The disadvantage of presumptive—of presumption based on a diagnosis from our perspective and based on anecdotal information from our members, stems from a seemingly limited number of mental health professionals immediately available to assess and diagnosis these patients soon after a critical incident or other trigger such as cumulative exposure has occurred.

If waiting for a diagnosis takes an extended period of time, compensation and further treatment may be delayed, adding to an already tenuous situation for the client. With that in mind, we recommend additional work to ensure the availability of appropriate mental health resources, to ensure early assessment, diagnosis, intervention, and rehabilitation of those affected by PTSD. The Paramedic Association of Manitoba took part in the WCB stakeholder consultation process, considering presumptive coverage for PTSD.

With respect to the question of retroactivity based on new presumptive legislation, and recognizing that this could be a bit of slippery slope to maneuver, we did recommend that an effective date of November 20th, 2014, coincidental to the government's Throne Speech, committing to new resources for effective follow-up after a traumatic event and improved access to workers compensation benefits.

We would respectively reiterate our position that this retroactivity be considered to assist at least some

of those workers already suffering the effects of psychological injury to be included.

In closing, we commend our provincial legislators for recognizing the need for PTSD presumptive legislation. We also urge government to augment this very important legislation by engaging stakeholder groups to participate in the development of PTSD reduction strategies, including education and resiliency training and ensure the availability and designation of appropriate mental health resources to those affected by this illness.

Thank you for your time today.

Mr. Smook: I'd just like to thank you for your excellent presentation, and thank you for enlightening us in the few extra.

Mr. Gerrard: Thank you for your presentation, which I appreciate, and I just wanted to give you an opportunity to expand a little bit on the issue of the retroactivity clause. It seems to me that, for the most part, if somebody still has post-traumatic stress disorder symptoms, that they should be eligible to come back. And your concern is that because there's been an earlier judgment that that might not be possible. Is that it?

Mr. Glass: My concern stems from two points, I guess. One is, as you mentioned, the possibility that there's been an earlier judgment that may limit their ability to come back, but I think accepting and acknowledging that there's a retroactive period would also encourage some of those who have been reluctant in the past as a result of the stigma attached to PTSD to perhaps come forward with justifiable claims that may not otherwise be considered.

Mr. Cameron Friesen (Morden-Winkler): Thank you, Mr. Glass, for presenting at committee this evening. You mentioned that a limiting factor in all of this is what you say is a limited number of mental health professionals available to access and diagnose—or assess and diagnose these patients, and, certainly, we have heard the same from Manitobans across the province.

In your presentations to government, did the Paramedic Association of Manitoba express, at that time as well, concerns around access to practitioners?

* (19:30)

Mr. Chairperson: Mr. Glass, you want to answer?

Mr. Glass: Was the question did we express—yes. Yes, Mr. Friesen, we did express that to all MLAs in our discussions in May.

Anecdotally, we've heard from a number of members who have been diagnosed, some by mental health professionals but some also by their primary-care physicians, as suffering from PTSD, and in one case I know of, the attempt by the member to access appropriate psychological support through appropriate professional mental health resources indicated that he'd have a six- to nine-month wait in order to be able to access those types of resources.

So I think the presumptive legislation is a great step in the right direction. I think it will encourage people to come forward; it will help to reduce some of the stigma that's currently associated with mental illness. It gets us talking about the problem. But I think we also need to make sure that we have the resources in order to be able to effectively treat those people once the diagnosis has been made. And I think it's also very important that we build some resiliency into—certainly, into our emergency services personnel early in their careers to try and limit the need for PTSD or to—limit the chances of a PTSD diagnosis in the first place.

Ms. Braun: Thank you very much for coming this evening, Eric, and I wanted to say, too, I appreciated the delegation that we received with your organization and talking about some of the things that you're doing in terms of the resilience strategies and the work that you're doing with your folks to do some preventative work. I think that is terrific, and hopefully, at our end, this work will also help your organization and your—

Mr. Chairperson: Mr. Schuler, you want to ask a question?

Mr. Ron Schuler (St. Paul): Yes, Eric, if you want to hold on a minute, it'd probably be less of a question and just a quick comment.

I want to thank you for all the years of hard work you've done on behalf of not just your organization but all Manitobans. When I used to be the Labour critic, I had a lot more to do with you and appreciated your professionalism and your advocacy, and certainly, over the years, you've done that with great professionalism. I know this is a very big piece of legislation for you and your members and, again, just want to thank you for all the work that you've done on behalf of your members and on behalf of all

Manitobans, and always great to see you in this building.

Mr. Chairperson: Thank you, Mr. Glass.

Bill 200—The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act

(Continued)

Mr. Chairperson: Now we go to Bill 200, and I have James Bamburak.

Yes, Mr. Bamburak. Do you have any written material for distribution?

Mr. James Bamburak (Geological Survey of Manitoba): Yes.

Mr. Chairperson: Okay. Thank you. Go ahead with your presentation, sir.

Mr. Bamburak: Thank you for giving me the opportunity to endorse the possible selection of *Tylosaurus pembinensis* as Manitoba's provincial fossil.

My name is James Bamburak. I'm a provincial geologist with the Manitoba survey and have been for over 40 years. I am also chair of the science, education and technology committee at the Canadian Fossil Discovery Centre in Morden.

I was asked by Dr. Kevin Campbell of the University of Manitoba to participate on Manitoba's provincial fossil committee, comprising of about 12 members. It was, as Peter Cantelon mentioned, a diverse group comprising university professors, a few government employees, as well as a few local citizens of Manitoba. The decision-making process was a long one. It was difficult to make a selection, but we finally did come out with Bruce and his immediate relatives as Manitoba's provincial fossil.

Now, I would like to share with you some additional support for our decision, just as background. In the Canadian Geographic magazine, the summer 2015 issue, there is an article of Bruce—on Bruce and the CFDC. Further, Manitoba Tourism, if you've seen the latest 2015 vacation guide, has got Bruce and Suzy featured on the cover. And the articles that have been circulated to you are two federal documents, one from the Canada Post indicating that Bruce was selected recently in 2015 for a stamp, and the Canadian Mint also selected Bruce to be on a coin in 2013. Thank you.

Mr. Chairperson: Thank you, Mr. Bamburak.

Any questions?

Mr. Cameron Friesen (Morden-Winkler): Thank you, Mr. Bamburak, for being here at committee this evening, and thank you for the additional materials that you have left us. I forgot to mention in my remarks that there's been other wins for the *Tylosaurus peminensis*, including the coin that was struck a few years and now the most recent Canadian Mint series. I believe that the executive director of the CFDC had a chance to go to the east, I think to Toronto in this case, for the unveiling of that series. And I can assure you that I have many of those stamps in my position—possession now and are putting them to good use.

I thank you also for indicating to this committee again the fact the committee that was struck to basically recommend, to make a recommendation about an official fossil, was unanimous in their findings, and so I thank you for bringing us that comfort here as a committee. Certainly, I think that your own words this evening and the words of Pete Cantelon, who spoke earlier, are assuring us that were there—was there an effort to streamline the wording of this bill, it would have the support of the wider scientific community.

Could you just make a comment specific to that?

Mr. Chairperson: Mr. Swan. Sorry, you want to answer something, Mr. Bamburak? Yes, go ahead, sir.

Mr. Bamburak: Yes, it is a difficult decision that had to be arrived at because there are other fossils in Manitoba, not with the notoriety that the *Tylosaurus peminensis* have, but it's the sort of thing we went back and forth in our decision-making process, arrived at the consensus; it was a unanimous decision at the end. Whether everyone's a hundred per cent happy with it, well, that's a decision—everyone likes different kinds of rocks and fossils and so on. So the bottom line is, yes, it was.

And taking out the marine, you could subdivide the fossil classifications into so many different groups, but that would not be consistent with the States and other provincial jurisdictions in Canada. They keep it fairly tightly defined. It might have been a way to sort of put a band-aid on the ones that were not selected. But I think we have to be realistic.

Mr. Chairperson: Thank you.

Mr. Andrew Swan (Minto): Yes, on behalf of the government caucus, Mr. Bamburak, thanks for coming down and presenting to us. You hope in this Legislature every day that goes by you get a little bit

smarter, some people out there may think the opposite happens, but I think you've been part of educating us tonight on this amazing prehistoric creature.

Thank you.

Hon. Jon Gerrard (River Heights): Thanks very much for coming here and presenting to us and helping us better understand Bruce and the mosasaur and why it should be the official fossil.

Mr. Chairperson: Thank you very much.

Bill 212—The Consumer Protection Amendment Act (Gift Card Inactivity Fees)

Mr. Chairperson: Now we go to Bill No. 212, and I have Ms. Gloria Desorcy. I'm sorry, sorry for mispronouncing your name. Desorcy.

Ms. Desorcy, go ahead. You have any material?

Ms. Gloria Desorcy (Consumers' Association of Canada—Manitoba Branch): No, but is it okay if I—

Mr. Chairperson: Okay, kindly go ahead.

Ms. Desorcy: Thank you. On behalf of the Manitoba branch of the Consumers' Association of Canada. I would like to thank you for the opportunity to comment this evening on Bill 212.

CAC Manitoba is a volunteer and non-profit organization that works to inform and empower consumers in Manitoba and to represent the consumer interests in Manitoba. We are, of course as the name suggests, the Manitoba branch of the national Consumers' Association of Canada.

* (19:40)

We, CAC Manitoba on behalf of consumers, wholeheartedly welcomed the legislation in 2007 that put an end to expiry dates and the attrition, or the inactivity fees, that was associated with single retailer gift cards. However, at the time, we were concerned, and we continue to be concerned, that that's—while a wonderful first step for consumer protection, it is only half of the story. And so we still have a situation in Manitoba where multi-retailer gift cards are—often they're called mall gift cards—you know, can become smaller in value over time because of inactivity fees. And it doesn't really take that long for that to happen, and some inactivity fees can be quite large.

Why is that important? Well, two reasons. First of all, consumers are—have now got the idea in Manitoba that cards don't expire—gift cards don't

expire. Gift cards don't expire and they don't get smaller with time—right? Except now I buy one and it does because it's not always evident to consumers what is the difference between a single-retailer card and a multiple-retailer card. Or which card is it that has the inactivity fee? Which card is it that I should be watching out for?

The second reason is much simpler and more straightforward and more fundamental, really. And that is that I have paid my \$25 as a consumer; I have given you \$25 and I deserve \$25—not \$22.50, not \$19.75—\$25 of goods and services. That's what I deserve.

So for those reasons—and we've shared this concern, I think, at the time that the legislation passed and many times since then and our national organization—that's why I mentioned them at the beginning—has also supported this in other provinces and in other jurisdictions and publicly in the media. So for that—for those reasons, CAC Manitoba really applauds this bill as completing the circle of protection for consumers in this province who purchase gift cards.

And we know that there is similar legislation that already exists in Saskatchewan, so it's not a first and obviously it manages to work somehow in Saskatchewan. I believe they've had it since '08. And we think, brief as this bill is, we believe that it provides enough framework for a real made-in-Manitoba solution to be developed that will be—that will work for all the stakeholders—consumers and business—in this situation.

So CAC Manitoba really urges you to—the passing of this important amendment to The Consumer Protection Act, and I want to thank you again very much for your time this evening.

Mr. Chairperson: Thank you, Ms. Desorcy.

Mr. Andrew Swan (Minto): Thank you, Ms. Desorcy, for coming down here and your excellent presentation tonight. I do like the way you framed that. You've paid your money; you expect to get the benefit.

Of course, in our house, I like to think we're kind of consumer aware, but I've a daughter who received a gift card for Christmas. I know we're only halfway through the 12-month period, but we're already thinking, well, kiddo, if you don't go and spend your money, you might actually wind up with less than your aunt wanted to give you. So I think it is appropriate to bring shopping centre gift cards in the

same playing field as other retailers, and I do thank you for your support of this bill.

Hon. Jon Gerrard (River Heights): Thank you for coming down and providing the explanation. Much appreciated.

Mr. Ron Schuler (St. Paul): Yes, Gloria, thank you for your presentation. It was brief and to the point.

And last Christmas, I decided for staff and family I would go to a shopping centre and just get 'er done with, and when I handed them out, it was, of course, received with great glee, and then came the, but did you know that if you even use it that year, after that year expires, you start losing money on it, and there's a whole set of rules.

And then I went and I started to read the fine print and the envelope, and since I've turned 29, I've got to start using these, and it is fine print. And you start reading the fine print and I was absolutely horrified. I would never do that again without this kind of protection.

And certainly we are in support of this legislation, because it supports consumers. And when we get around to discussing the bill, one of my questions to the minister responsible is going to be: Is this going to be retroactive to last Christmas?

So thank you for your presentation.

Mr. Chairperson: Thank you, Ms. Desorcy. Thank you very much.

Now that concludes the list of presentations I have before me. Are there any other persons in attendance who wish to make a presentation?

Seeing none, that concludes public presentations.

Mr. Chairperson: In what order does the committee wish to proceed with the clause-by-clause consideration of these bills?

Mr. Swan: I would suggest just move in the order they're printed on the order paper.

Mr. Chairperson: Agreed. Okay.

So let's proceed now.

Bill 3—The Manitoba Floodway and East Side Road Authority Amendment Act

Mr. Chairperson: We go now to Bill 3, clause by clause.

Does the minister responsible for Bill 3 have an opening statement?

Hon. Eric Robison (Minister of Aboriginal and Northern Affairs): Very briefly, with the completion of the floodway expansion project, the intention of this amendment is to clarify the role of the Crown agency that was originally established to undertake the expansion project and whose mandate was to expand and undertake the construction of the all-season road network on the east side of Lake Winnipeg.

What this amendment does in return is it returns the responsibilities related to the floodway to the Department of Manitoba Infrastructure and Transportation, and it focuses the role of the Crown agency on the construction and maintenance of the all-season road network on the east side of the Lake Winnipeg. In—by doing this, the amendment changes the name of the Crown agency to the East Side Road Authority, which is more representative of its changed mandate. The amendment also clarifies that the Crown agency's mandate, by removing reference to the floodway, the Crown agency's revised mandate is, firstly, to construct and maintain the east-side road; secondly, to ensure the construction and maintenance of the east-side road are carried out in a manner that provides increased benefits to the communities; and, thirdly, maximize the benefits of the east-side road, which will provide to the community.

So, Mr. Chair, briefly, that's the explanatory notes that I have to Bill 3.

Mr. Chairperson: Thank you, Honourable Minister.

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

Mr. Stuart Briese (Agassiz): I really don't. It's a bill that we will support as it goes forward.

Mr. Chairperson: Thank you.

During the consideration of this bill or all bills, the table of contents, the preamble and the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is an agreement from the committee, the Chair 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 that agreed? *[Agreed]*

Now we will proceed to clause-by-clause consideration of Bill 3.

Clauses 1 through 3—pass; clauses 4 through 9—pass; clause 10—pass; clauses 11 and 12—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you.

Bill 8—The Conservation Officers Act

(Continued)

Mr. Chairperson: Now we are considering Bill 8.

Does the minister responsible for Bill 8 have an opening statement?

Hon. Thomas Nevakshonoff (Minister of Conservation and Water Stewardship): Yes, Mr. Chair, I do.

Mr. Chairperson: Go ahead, Mr. Minister.

* (19:50)

Mr. Nevakshonoff: This bill will officially recognize the Conservation Officers Service and will provide officers the authority to protect natural resources and the environment as well as the safety of its citizens.

The Conservation Officers Service represents the third largest armed enforcement agency in the province.

Bill 8 formally recognizes conservation officers as law enforcement officers with the powers of peace officers. It provides the authority for officers to enforce provisions of the Criminal Code and other provincial laws in the course of their duties as conservation officers.

Bill 8 will officially change the designation of natural resource officer to conservation officer, and enables the settling of standards and training requirements needed to be a conservation officer.

The bill also includes provisions for the establishment of a code of conduct and a formal complaints process in regulation.

Conservation officers have evolved into modern law enforcement officers, whose role now extends far beyond hunting and fishing issues, to ensure compliance with a variety of provincial and federal statutes, including park safety and security.

Conservation officers enforce all resource-based legislation relating to wildlife, forestry, parks, Crown lands and wild fires. They fine poachers, issue summons, conduct investigations and testify in court.

As the service evolved over time, changes include the establishment of a special investigations

unit, a canine unit, and advanced recruitment and in-service training.

Conservation officers need to apply the Criminal Code or other provincial laws, example—for example, The Highway Traffic Act, The Liquor and Gaming Control Act, when their application is in regards to the laying of charges for things related to resource law enforcement or for public safety, for example, the provisions relating to public mischief, assault of a peace officer, evading of a peace officer, failure to stop, et cetera.

Bill 8 provides a certainty that conservation officers have the required enforcement authority to deal with issues that may arise in the course of carrying out their conservation duties. These actions increase both officer and public safety.

The RCMP have historically been a partner with Manitoba Conservation in resource enforcement and public safety, and they support the confirmation of our officers' authorities.

Bill 8 outlines what conservation officers want, what the public expects, and what the RCMP supports.

Thank you, Mr. Chair.

Mr. Chairperson: We thank the minister.

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

Mr. Shannon Martin (Morris): I appreciate the minister's comments on Bill 8 and, as well, as the briefings we've had on it.

As the minister noted, the current legislation offers and provides a number of grey areas in terms of authority of conservation officers such as The Highway Traffic Act, or, as the minister noted, public safety, which, ultimately, undermines the authority of conservation officers in our provincial parks and potential undermines the success of prosecution of individuals who may be charged by conservation officers.

So the clarity being offered or the elimination of those grey areas, as previously noted by the minister, is a welcome component of this legislation, as well as the requirement of the accompanying code of conduct.

So, to that end, Mr. Chair, we're prepared to proceed and support this bill.

Mr. Chairperson: Thank you, Mr. Martin.

Now we'll go clause by clause.

Clause 1—pass; clauses 2 and 3—pass; clauses 4 through 8—pass; clauses 9 to 11—pass; clauses 12 through 16—pass; clauses 17 through 20—pass; clauses 21 through 25—pass; clauses 26 through 29—pass; clauses 30 through 32—pass; clauses 33 and 34—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 12—The Water Protection Amendment Act (Aquatic Invasive Species)

Mr. Chairperson: Now we come to Bill 12.

Does the minister responsible for Bill 12 have an opening statement?

Hon. Thomas Nevakshonoff (Minister of Conservation and Water Stewardship): Yes, Mr. Chair.

Mr. Chairperson: Yes, Minister. Go ahead.

Mr. Nevakshonoff: Mr. Chair, Bill 12 will allow Manitoba to lead the nation in protecting its water resources and aquatic ecosystems. The proposed amendment targets aquatic invasive species, such as zebra mussels, and is the most comprehensive legislation in North America.

The highlights of Bill 12 include prohibiting the possession, transportation and release of aquatic invasive species except in specified circumstances; requirements for trailered watercraft to stop and allow an inspection of the watercraft and water-based gear at watercraft inspection stations; and the ability to designate control zones where restrictions and prohibitions can be established in specific areas to prevent the introduction or control of the spread of an aquatic invasive species.

This bill provides new inspection and enforcement tools needed to prevent the introduction or spread of an aquatic invasive species and sets out expanded powers that inspectors and officers have to enforce the act.

Enforcement officers and watercraft inspectors will be able to take actions to detect, control and prevent the spread of aquatic invasive species. This includes the ability to conduct surveys, to stop and inspect vehicles transporting watercraft or water-related equipment, and the ability to issue decontamination and control orders.

This legislation supports actions already taken by the Province to contain zebra mussels found in

Lake Winnipeg, such as the Don't Move a Mussel public education campaign and the deployment of five decontamination units stationed at major harbours and boat launches.

Over 2,800 inspections and 136 decontaminations were conducted this past summer. The Province will continue to monitor the spread of zebra mussels, and with the support of this legislation will be enabled to implement further actions and requirements to prevent their spread.

This bill also puts Manitoba in a better position to defend against new threats, such as the introduction of Asian carp and quagga mussels.

Manitoba's water resources and aquatic ecosystems need to be protected. This bill provides the regulatory authority to take the necessary precautions and actions to help counter the threat posed by aquatic invasive species. This is going to be a long-term fight requiring due diligence and commitment by all stakeholders.

Thank you, Mr. Chair.

Mr. Chairperson: Thank you, Mr. Minister.

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

Mr. Shannon Martin (Morris): Mr. Chair, Bill 12 represents the cumulative failure of successive—or Conservation ministers—of Conservation ministers—to address one of the single largest economic and environmental threats to our waterways.

First discovered in the Red River basin in 2009, this Legislature—more importantly, this government—could have and, indeed, should have taken action years ago. The minister's recent admittance about a month or two months ago of the complete failure of their half-million-dollar, multi-ton dumping of liquid potash in the harbours is just further evidence of this government's failure when it comes to dealing with the threat of zebra mussels.

With those comments, Mr. Speaker, I believe that this legislation is long overdue, and it is unfortunate that here we are in June of 2015 and we still have not passed this legislation. Thank you.

Mr. Chairperson: Thank you, Mr. Martin.

Now, we go clause by clause.

Clauses 1 through 3—pass; clauses 4 through 6—pass.

Shall clauses 7 through 9 pass?

Some Honourable Members: Pass.

* (20:00)

Mr. Chairperson: Clauses 9 through 7 accordingly passed—[*interjection*] 7 to 9; I'm sorry, correction.

Clauses 7 through 9—pass; clause 10—pass; clauses 11 through 15—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 35—The Workers Compensation Amendment Act (Presumption re Post-Traumatic Stress Disorder and Other Amendments)
(*Continued*)

Mr. Chairperson: Now we go to Bill 35.

Does the minister responsible for Bill 35 have an opening statement?

Hon. Erna Braun (Minister charged with the administration of The Workers Compensation Act): Yes, I do.

Mr. Chairperson: Go ahead, Madam Minister.

Ms. Braun: Mental health issues, particularly PTSD, are an area of growing concern for all of us. We probably all have family, friends, co-workers and neighbours who have been affected or may be affected by mental health issues. They can touch anyone. We heard some of those stories this evening from the presenters. It's something that I think all of us can agree needs our attention.

This bill is of—pardon me. This bill is part of a considerable effort over the last few years to bring a new focus on prevention to reduce workplace injuries. From the launch of SAFE Work Manitoba, we, along with our partners, are trying to build a culture of safety and a culture of prevention in our workplaces. Despite these considerable efforts, traumatic events do occur. When they do, we all need to be doing all we can to help people return to health and return to work, and that's where Bill 35 comes in.

A key aim of Bill 35 is to help address the stigma that can inhibit workers with PTSD from coming forward and seeking the help and support they need. For workers in an already difficult situation, it means the worker does not have to face the sometimes complicated process of proving that his or her condition was caused by a traumatic event

in the workplace. It also means that workers can get started on the treatment they need to get back to health and back to work quickly. Of course, even when the diagnostic and other criteria of the provision are met, the WCB will still be obliged to do its due diligence and determine whether it can be shown that the injury was caused by something other than workplace events. That is what a rebuttable presumption is, and that is how this provision strikes a balance between providing PTSD-affected workers with the help they need and ensuring due diligence continues with respect to adjudicating claims.

Bill 35 is especially noteworthy in that it applies to all injured workers, regardless of occupation. In that, it is groundbreaking, and this is a reflection on the fact that PTSD-inducing trauma can happen in any workplace, in any occupation. This aspect of the amendment is a reflection of the input we received from many groups who submitted responses to the consultation conducted by the Workers Compensation Board. And I'd like to thank all the employee, employer and labour stakeholders, medical and mental health experts and others whose contribution helped shape this bill, some of whom were represented by our presenters today. Thank you.

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

An Honourable Member: Yes, I do.

Mr. Chairperson: Mr. Smook.

Mr. Dennis Smook (La Verendrye): I'd just like to thank all the presenters who are still here—were here to present to this bill. I'd like to thank the minister for her comments. The only concern is what we heard tonight is—we want to keep all of our workers safe in the workplace. We know it's a very important bill. As long as we keep in mind and keep watching it to see what happens in the future so that it doesn't become a burden on employers—if it has to be, you know, switched over to the health-care system or something like that needs to be done. Thank you.

Mr. Chairperson: We thank the member.

Now we go clause by clause.

Clauses 1 and 2—pass; clauses 3 through 7—pass; clauses 8 and 9—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 200—The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act
(Continued)

Mr. Chairperson: Does the bill sponsor, the honourable member for Morden-Winkler, have an opening statement?

Mr. Cameron Friesen (Morden-Winkler): I appreciate the presenters who came to committee this evening to present on this bill that would recognize the mosasaur known as the Tylosaurus pembinensis as the—an official emblem of the province of Manitoba.

I want to say also that I appreciate the co-operation of the minister responsible and of the government and opposition House leaders in doing important work to permit this bill to advance to the committee stage. It did not always look, a few weeks ago, that that might be the case.

Tonight, there was a recommendation made by both presenters that the language of the bill would be simplified by removing the words marine reptile so that the mosasaur would be designated as a fossil emblem of Manitoba. We will take those recommendations into consideration. I want the opportunity to liaise with the minister and to do some reinforcement of that idea. What we heard tonight is that there is widespread acceptance of that in the scientific community and that, indeed, that a committee that was struck to investigate and to report back a recommendation did so unanimously.

When we originally drafted the language of the bill, of course, we had included the additional language of marine reptile in order to give comfort to other groups and to perhaps pave the way so that at a subsequent time, if other groups might want to present or to advance an initiative to recognize other fossil emblems, it could be done. But, in this case, what we will do is we will undertake that study, consider the words that have been put on the record tonight by presenters at the committee, and it would be my hope to present an amendment at the report stage.

Mr. Andrew Swan (Minto): Thanks to the member for Morden-Winkler for that introduction to the bill. No surprise the government caucus will be supporting this bill. I think it is wise just to take a day or two just to make sure that the land reptile fossil supporters association won't be marching on the Legislature.

I think it is helpful. It shows once again how it is useful to have members of the public come to what is the most democratic committee process of any Legislature that we know, and I think with that intervention and some discussions, we can make sure that the bill is as strong as it can be.

Mr. Chairperson: Thank you, Mr. Swan.

So now we go clause by clause.

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

Bill 212—The Consumer Protection Amendment Act (Gift Card Inactivity Fees)
(Continued)

Mr. Chairperson: Now we are considering Bill 212.

Does the bill's sponsor, the honourable member from Minto, have an opening statement?

Mr. Andrew Swan (Minto): Yes, very briefly, Mr. Chair. This bill will amend the pre-purchase—pre-paid purchase card or gift card provisions, The Consumer Protection Act, to preclude inactivity fees in relation to cards issued for cash or other consideration.

As we've heard tonight, this bill—initial changes to The Consumer Protection Act back in 2007 provided there would not be expiry dates for gift cards. However, for shopping centres there remained provisions that allowed them to charge inactivity fees if an account is inactive for more than a year. These fees are considerable: \$2.50 per month or \$30 per year. In today's day, I'm not sure why we would treat shopping centres differently from other retailers, and this bill will simply prevent that practice from continuing for gift cards which are actually paid for by consumers.

I think Ms. Desorcy said it best. When somebody spends money to buy a gift card, they expect that value will be preserved, and they'll be able to spend that money and to use that money as they see fit.

Mr. Chairperson: We thank the member.

Does any other member have any comment?

Mr. Ron Schuler (St. Paul): As the official critic for this bill, I just have one question for the minister, and that is, could he give us a little bit of reflection on when he thinks it might take effect?

* (20:10)

Mr. Swan: Well, I thank the member for St. Paul for the question. If indeed the opposition is interested as well in moving this bill along, I think I can put on the record tonight, we would like this bill to be proclaimed into force as soon as possible. I understand there will be the necessity for an amendment of regulation which will have to go through Cabinet, and I will do whatever I can to move that along as quickly as possible.

Mr. Chairperson: Thank you.

Now we are considering clause by clause.

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

* * *

Mr. Chairperson: The hour being 10–11 past 8, what is the will of the committee?

An Honourable Member: Committee rise.

Mr. Chairperson: Committee rise. Thank you.

COMMITTEE ROSE AT: 8:11 p.m.

WRITTEN SUBMISSIONS

Re: Bill 35

June 17, 2015

To Whom It May Concern:

We represent all Active and Retired Firefighters and Paramedics of the International Association of Firefighters in Manitoba.

We also want to state that we not only support this legislation but given the comprehensive scope of coverage for many professions in Manitoba we strongly urge that the appropriate resources be made available to ensure the success of this legislation once passed. This legislation will need extensive resource allocation.

We are writing this letter to give strong support to Bill 35, The Workers Compensation Amendment Act (Presumption for Post-Traumatic Stress Disorder).

Bill 35 will greatly improve the availability of treatment for fire fighters and others who are working in professions susceptible to PTSD such as paramedics, nurses and police.

When Post-Traumatic Stress Disorder is covered by Presumptive Legislation it will allow those diagnosed with PTSD to get the help they need more

quickly and also to return to work sooner. Proper treatment will be made available, the stigma of admitting to mental illness will be reduced and stress caused by having to lobby WCB for necessary funding for treatment, or for coverage for time needed away from the job will be reduced.

As fire fighters we know that Bill 35 is an important step towards appropriate coverage for occupational diseases related to firefighting. Presumptive coverage of PTSD will help us move forward.

For the last twenty years I have worked passionately to ensure that occupational diseases have an appropriate level of WCB coverage. I have worked in many jurisdictions in Canada, the United States

and around the world, informing Union leaders and politicians about the need for presumptive legislation and educating them about the studies and the science that proves the link between occupational disease and firefighting. This science now includes demonstrating a connection between firefighting and PTSD.

Again we would like to say how glad we are to see Bill 35 passed through the first reading. We will be even happier to see Bill 35 finalized.

Sincerely,

Alex Forrest, President
United Fire Fighters of Winnipeg
IAFF Canadian Trustee

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/hansard.html>