

MANITOBA REGULATORY ACCOUNTABILITY REPORT

Manitoba government
Regulatory Accountability Secretariat

SEPTEMBER 2020



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Available in alternate formats upon request.



Executive Summary

This report highlights the progress that has been made during the 2019-2020 fiscal year in advancing regulatory accountability across the Manitoba government.

Manitoba's approach to regulatory accountability is comprehensive and includes transformed processes for developing statutes, regulations, policies and forms that encourages the monitoring and management of regulatory requirements. These processes incorporate new tools and technology to engage stakeholders and the public in order to promote transparency in the development of regulatory requirements.

Key accomplishments in 2019-2020 include:

- ▶ **Continued to reduce unnecessary regulatory requirements** with 7,663 regulatory requirements repealed, approximately a 1% reduction from a year ago.

- ▶ **New online portals** — On July 1, 2019, the Manitoba Forms and Policies Portal was launched, and on October 1, 2019, the Manitoba Regulatory Consultation Portal went live.
- ▶ **Enhancements to the Regulatory Accountability Database (RAD) system** — The centralized RAD system was enhanced to enable improved tracking of regulatory requirements, and to allow more detailed division-level reporting.
- ▶ **The “2-for-1” rule** — On July 1, 2019, Manitoba became the first province to legislate a “2-for-1” rule to reduce and cap the growth of regulatory requirements.
- ▶ **Balanced Scorecards** — The Manitoba “Measuring Progress” *Balanced Scorecards* was launched online in December 2019, allowing public-facing reporting using measurable targets on the government's performance in key priority areas, including the reduction of regulatory requirements.

- ▶ **Leadership in reducing burdensome interprovincial barriers** — On October 4, 2019, Manitoba announced the immediate removal of six exceptions under the *Canadian Free Trade Agreement* and the narrowing of another. Manitoba has among the fewest exceptions of all provinces and is one of only two that maintain zero procurement exceptions.
- ▶ **Regulatory Reconciliation and Cooperation Table** — As of March 31, 2020, Manitoba has participated in the successful negotiation of nine reconciliation agreements under the *Canadian Free Trade Agreement's* Regulatory Reconciliation and Cooperation Table, in areas that include technical safety, occupational health and safety, transportation, construction codes, and corporate registries.



Manitoba Conservation and Climate launched an online *Water Licensing Portal* and reduced the waiting time for low-risk water use and construction of water control projects. Fast-tracking the approval of routine low-risk drainage projects has freed up time for staff to focus on higher-risk and higher-impact projects.

Sommaire

Le présent rapport donne un aperçu des progrès réalisés en 2019–2020 par le Manitoba en ce qui concerne la responsabilisation en matière de réglementation.

L'approche du Manitoba relativement à la responsabilisation en matière de réglementation comprend un système exhaustif d'élaboration des lois, des règlements, des politiques et des formulaires qui favorise la surveillance et la gestion des obligations administratives. Ce processus prévoit de nouveaux outils et technologies pour mobiliser les parties intéressées et le public et ainsi promouvoir la transparence dans l'élaboration des règlements.

Exemples de grandes réalisations en 2019–2020 :

- ***poursuite de la réduction des obligations administratives inutiles*** par l'abrogation de 7 663 obligations administratives, soit une réduction d'environ 1 % en un an;
- ***nouveaux portails en ligne*** — le 1er juillet 2019, le portail Formulaires et politiques du Manitoba a été lancé, et le 1er octobre 2019, le Portail de

consultation sur les règlements du Manitoba a été mis en œuvre;

- ***améliorations apportées à la base de données sur la responsabilisation en matière de réglementation*** — les améliorations apportées à ce système centralisé visaient l'amélioration du suivi des obligations administratives et la production de rapports exhaustifs par les divisions;
- ***règle du deux pour un*** — le 1er juillet 2019, le Manitoba est devenu la première province canadienne à adopter une règle du deux pour un pour réduire les obligations administratives et en limiter la création;
- ***tableaux de bord équilibrés*** — les tableaux de bord équilibrés de mesure des progrès du Manitoba ont été lancés en ligne le 19 décembre 2019 pour permettre la production de rapports publics utilisant des cibles mesurables pour faire état du rendement dans les principaux domaines prioritaires, y compris la réduction des obligations administratives;

- ***leadership en ce qui concerne la réduction des grands obstacles interprovinciaux*** — le 4 octobre 2020, le Manitoba a annoncé l'élimination immédiate de six exceptions contenues dans l'Accord de libre-échange canadien ainsi que la réduction d'une autre exception. Le Manitoba fait partie des provinces qui prévoient le moins d'exceptions et est l'une des deux seules provinces qui continuent de n'avoir aucune exception relative aux marchés publics;
- ***Table de conciliation et de coopération en matière de réglementation*** — en date du 31 mars 2020, le Manitoba avait participé à la négociation de neuf accords de conciliation à la Table de conciliation et de coopération en matière de réglementation de l'Accord de libre-échange canadien, dans les secteurs comme la sécurité technique, la santé et la sécurité au travail, le transport, les codes de construction et les registres d'entreprises.



Manitoba Public Insurance Corporation consolidated and repealed a number of policies and forms, resulting in a reduction of more than 900 regulatory requirements.

SUCCESS STORY ♦



1. The Year at a Glance

This report highlights the progress that has been made during the 2019-2020 fiscal year in advancing regulatory accountability across the Manitoba government.

Manitoba's approach to regulatory accountability is comprehensive, putting in place an innovative system and transformed processes for developing regulatory requirements that encourages the monitoring and management of regulatory requirements. Manitoba's stock-taking of regulatory requirements is broad-based, detailed and inclusive of all departments and government agencies (DGAs) and all sources of regulatory requirements.

2019-2020 PERFORMANCE

In 2016, the Manitoba government embarked upon an ambitious program to promote regulatory accountability. Key to the approach is being highly transparent and open with the public and stakeholders in identifying and tracking regulatory requirements and the costs they impose.

A detailed count of regulatory requirements across the Manitoba government was undertaken as of April 1, 2016, which stood at 961,997. This comprehensive stock-taking that created the baseline count included regulatory requirements found not only in statutes and regulations, but also in policies and forms.

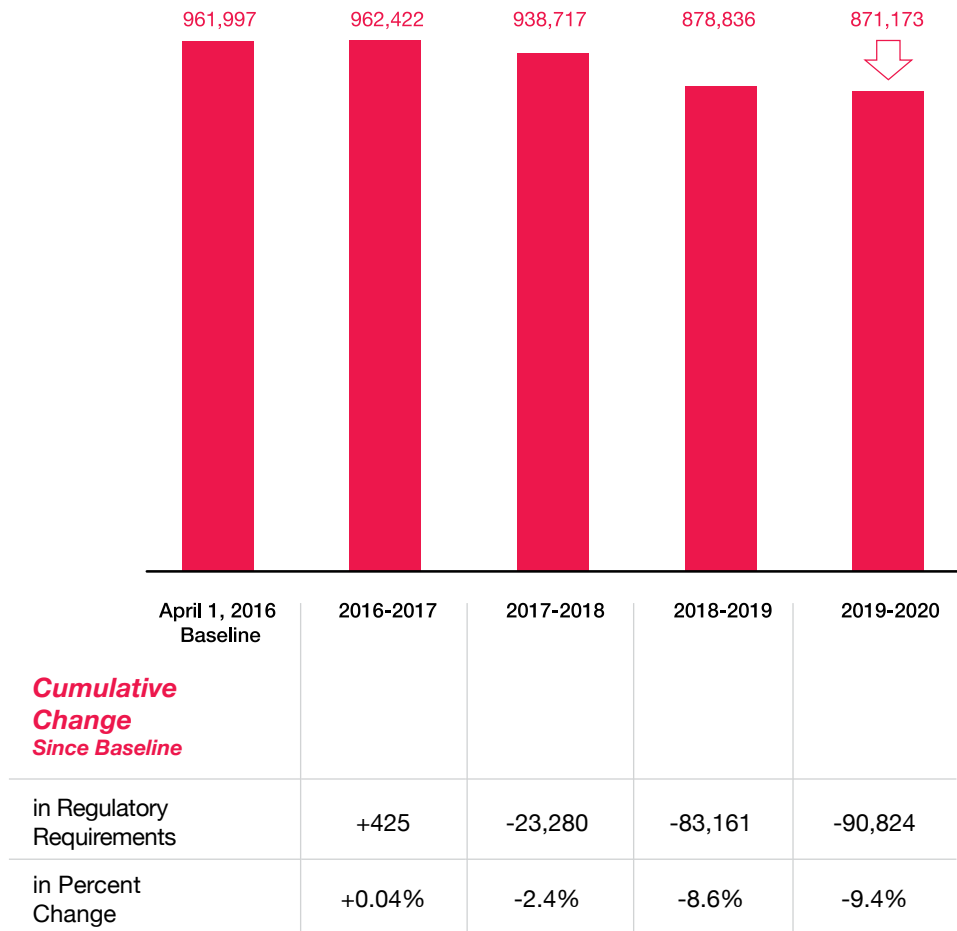
Since April 1, 2016, DGAs must document subsequent repeals, amendments and any development of new regulatory requirements. Statutes, regulations, policies and forms are now developed and reviewed with a regulatory accountability lens to ensure the principles of regulatory accountability are met.

Through a variety of innovative initiatives and techniques employed by DGAs, the total number of regulatory requirements were reduced from 961,997 on April 1, 2016 (the baseline count) to 871,173 by March 31, 2020, a reduction of about 9.4% or 90,824 regulatory requirements.



Regulatory Requirement (RR) is an action or piece of information that is required to access programs or services, conduct business, or participate in regulated activities. **Red tape** is regulatory requirements that are not achieving their intended outcome or not doing so efficiently. Not all regulatory requirements are red tape.

Chart 1
Regulatory Requirements by Fiscal Year



ACRONYMS FOR SELECT DEPARTMENT
AND GOVERNMENT AGENCY NAMES

- ARD Agriculture and Resource Development
- CEN Central Services
- CC Conservation and Climate
- EDT Economic Development and Training
- EDU Education
- FAM Families
- FIN Finance
- HSAL Health, Seniors and Active Living
- INR Indigenous and Northern Relations
- MI Infrastructure
- JUS Justice
- MR Municipal Relations
- SCH Sport, Culture and Heritage
- MH Manitoba Hydro
- MBLLC Manitoba Liquor and Lotteries Corporation
- MPIC Manitoba Public Insurance Corporation
- WCB Workers Compensation Board

2. Manitoba's Framework for Regulatory Accountability

The Regulatory Accountability Act and Part 6.1 of *The Statutes and Regulations Act* together have enabled Manitoba to put in place a robust framework for managing regulatory requirements and enhancing regulatory accountability. This framework stands on seven key principles (see Appendix 1 – Manitoba's Regulatory Accountability Framework).



In Manitoba Education, regulatory requirements in various policies and forms were reduced, and the user experience improved, by automating processes and adding functionalities, such as prepopulating forms with previously collected data.

SUCCESS STORY ♦

THE 7 REGULATORY ACCOUNTABILITY PRINCIPLES

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

2019-2020 ADVANCEMENTS IN MANITOBA'S FRAMEWORK

- **Legislated approach** — A distinguishing feature of Manitoba's framework is that it is legislated. *The Regulatory Accountability Act* and Part 6.1 of *The Statutes and Regulations Act* were fully implemented during 2019-2020.
- **Oversight by Executive Government** — The Regulatory Accountability Committee of Cabinet ensures compliance with the principles of regulatory accountability and provides strict oversight of all proposed regulations.
- **Government-wide approach to information and workflow management** — The centerpiece of Manitoba's regulatory accountability framework is its state-of-the-art Regulatory Accountability Database (RAD) system. The RAD system is transforming how regulations and policies are made, amended and eliminated, and is enabling the accurate tracking of regulatory requirements. The RAD system now integrates modern project management practices and business processes across the policy development life-cycle so that DGAs can efficiently carry out actions and procedures for regulatory accountability.
- **Paperless approval processes** — Implementation of a paperless process permits the swifter review of regulations, and completes the streamlining of what is now an electronically-based paperless policy development and approval process.
- **Open and transparent government services** — As of July 1, 2019, all forms and policies that contain regulatory requirements must be published online on the new public-facing and searchable Manitoba Forms and Policies Portal, creating a convenient single point of access that is updated in real time. This makes it easier and faster for the public to find the forms and policies they need. The service is similar to the accessing of statutes and regulations on the Manitoba Laws website.
- **Policy development and impact analysis** — Manitoba developed an innovative tool called Regulatory Accountability Impact Analysis (RAIA), an advancement over regulatory impact analysis, to fully assess the estimated costs and other impacts resulting from regulatory requirements. RAIA is integrated in the RAD system which now allows DGAs to develop and amend regulatory instruments using standardized analytical workflow processes.
- **Public engagement and information-sharing** — As of October 1, 2019, proposed regulations and amendments must be posted on the new online Manitoba Regulatory Consultation Portal for a 45-day period. The postings must include a RAIA, ensuring that the public and stakeholders are properly informed of estimated costs and the reasons for the proposed regulatory solution. The portal is integrated with the

62% of all regulatory requirements in 2019-2020 are found in forms, **20%** in policies, **12%** in regulations and **6%** in statutes.



RAD system, so public and stakeholder feedback is seamlessly incorporated into the regulatory development process.

- ▶ **Development of employee skills** — A concerted effort is underway to train Manitoba government employees with the necessary knowledge and practical skills to optimize the use of new technologies, tools and processes.
- ▶ **Initiatives to reduce red tape** — On July 1, 2019, Manitoba became the first province to legislate the “2-for-1” rule to reduce and cap the growth of regulatory requirements. The rule requires all DGAs to eliminate at least two regulatory requirements for each regulatory requirement that is implemented. The two eliminated regulatory requirements must have at least twice the administrative burden of the one being implemented.
- ▶ **Transparent public performance reporting** — The Manitoba “Measuring Progress” *Balanced Scorecards* was launched in December 2019, allowing transparent reporting using measurable targets to show the government’s progress and performance in key priority areas.

- ▶ **Expedited pathway for reducing red tape** — The Manitoba government has established the annual *Reducing Red Tape and Improving Services Act* to make it easier for DGAs to make changes to statutes for the purposes of eliminating red tape and improving services for Manitobans. *The Reducing Red Tape and Improving Services Bill 2019* included amendments to 29 pieces of legislation.

WORKING WITH OTHERS TO ADDRESS INTERPROVINCIAL RED TAPE

Manitoba has shown leadership in working with other federal, provincial and territorial governments, and other stakeholders, in addressing unnecessary and burdensome regulations and reducing interprovincial trade barriers.

On October 4, 2019, Manitoba announced it was immediately removing six exceptions under the *Canadian Free Trade Agreement* and narrowing another. Manitoba has among the fewest exceptions of all provinces and is one of only two that maintain zero procurement exceptions.

Manitoba is also an active member of the Regulatory Reconciliation and Cooperation Table, which is a senior-level federal-provincial-territorial body established by the *Canadian Free Trade Agreement* to oversee the regulatory reconciliation process and promote regulatory cooperation across Canada.

By the end of 2019-2020, Manitoba participated in the successful negotiation of nine reconciliation agreements in areas including technical safety, occupational health and safety, transportation, construction codes, and corporate registration and reporting. In addition, Manitoba is working with other jurisdictions to ensure that regulatory cooperation is undertaken in emerging areas such as the testing of autonomous vehicles and mandatory entry-level training for truck drivers. The work of the Regulatory Reconciliation and Cooperation Table is overseen by the *Council of the Federation* and feeds into the Minister-level Committee on Internal Trade.

Similarly, Manitoba is involved in cooperation activities under the *New West Partnership Trade Agreement*, which involves Canada’s four western provinces working together to enhance trade, investment and labour mobility, and remove barriers to the movement of goods, services, investment and people within and between the provinces.

Manitoba is a member of, and currently chairs, the Provincial-Territorial Advisory Committee (PTAC) of the Standards Council of Canada. As PTAC Chair, Manitoba oversees Regulatory Reconciliation and Cooperation Table negotiations being undertaken by PTAC, in addition to leading activities that support regulatory accountability in Manitoba through the use and promotion of standards.

Manitoba also participates in fora such as the FPT Committee on Regulatory Governance and Reform as well as the Community of Federal Regulators, where regulatory issues of importance to Manitoba are discussed, and information is obtained about good regulatory practices that can be deployed in Manitoba.

KEY ACCOMPLISHMENTS

- ▶ **New portals** — On July 1, 2019, the Manitoba Forms and Policies Portal was launched, and on October 1, 2019, the Manitoba Regulatory Consultation Portal went live.
- ▶ **Enhancements to features and functionalities of the Regulatory Accountability Database (RAD) system** — The RAD system was enhanced to enable improved tracking of regulatory requirements, and to allow more detailed division-level reporting.
- ▶ **Paperless policy development and approval processes** — Information and workflow management processes were revamped, culminating in the use of a paperless process by the Regulatory Accountability Committee of Cabinet to review and approve new regulations and statutes.
- ▶ **Regulatory accountability training** — Hundreds of staff from across the public service were trained in knowledge and practical skills to optimize the use of the new technologies, tools and processes.
- ▶ **The “2-for-1” rule** — On July 1, 2019, Manitoba became the first province to legislate the “2-for-1” rule to reduce and cap the growth of regulatory requirements.
- ▶ **Balanced Scorecards** — The Manitoba “Measuring Progress” *Balanced Scorecards* was launched online in December 2019, allowing public-facing reporting using measurable targets on the government’s performance in key priority areas, including the reduction of regulatory requirements.
- ▶ **Reducing Red Tape and Improving Services Act** — The 2019 Bill included amendments to 29 statutes.
- ▶ **Leadership in reducing burdensome interprovincial barriers** — On October 4, 2019, Manitoba announced the immediate removal of six exceptions under the *Canadian Free Trade Agreement* (CFTA) and narrowing another. Manitoba has among the fewest exceptions of all provinces and is one of only two that maintain zero procurement exceptions.
- ▶ **Regulatory Reconciliation and Cooperation Table** — Manitoba has participated in the successful negotiation of nine reconciliation agreements under the CFTA’s Regulatory Reconciliation and Cooperation Table in areas that include technical safety, occupational health and safety, transportation, construction codes, and corporate registration and reporting.



Manitoba has developed an innovative tool called Regulatory Accountability Impact Analysis, an advancement over regulatory impact analysis, to fully assess the costs and other impacts resulting from regulatory requirements

SUCCESS STORY ♦

3. Results

TRACKING REGULATORY REQUIREMENTS

As noted earlier, the total number of regulatory requirements across the Manitoba government was reduced to 871,173 in 2019-2020, which is a 7,663 reduction from the previous year. As shown in Table 1, this reduction contributes to a cumulative reduction in regulatory requirements of about 9.4% (90,824) since the April 1, 2016 baseline.

Table 1

Regulatory Requirements in 2019-2020 Compared to the Baseline and 2018-2019

Total change since baseline	-90,824
Percentage change since baseline	-9.4%
Change from 2018-2019	-7,663
Percentage change from 2018-2019	-0.9%

Since April 1, 2016, the Manitoba government has eliminated **90,824** regulatory requirements (a **9.4%** reduction).

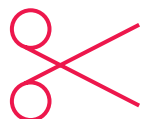
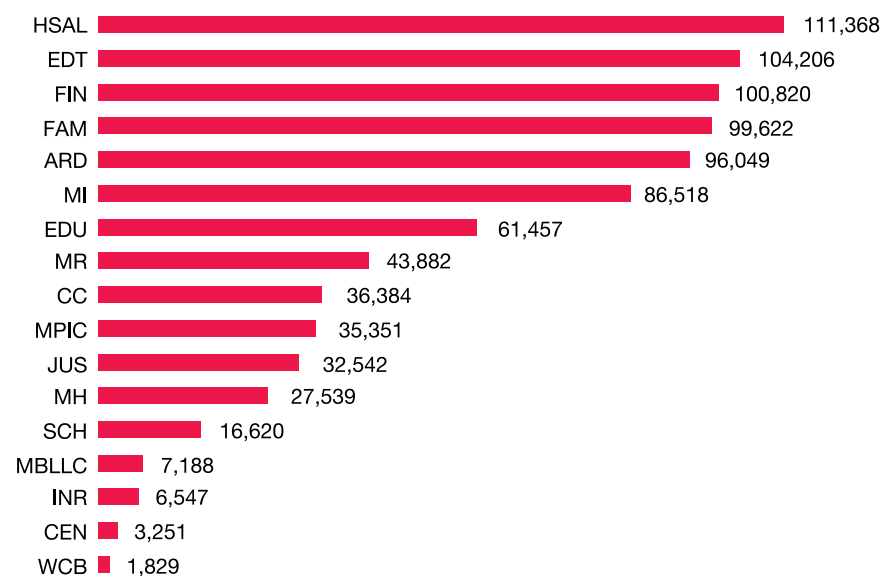


Chart 2 shows the regulatory requirement footprint of DGAs in 2019-2020. The following six departments had the largest footprints: Health, Seniors and Active Living; Economic Development and Training; Finance; Families; Agriculture and Resource Development; and Manitoba Infrastructure.

Chart 2
Regulatory Requirements by DGA as of March 31, 2020 *†



* Civil Service Commission did not report any regulatory requirements in 2019-2020.

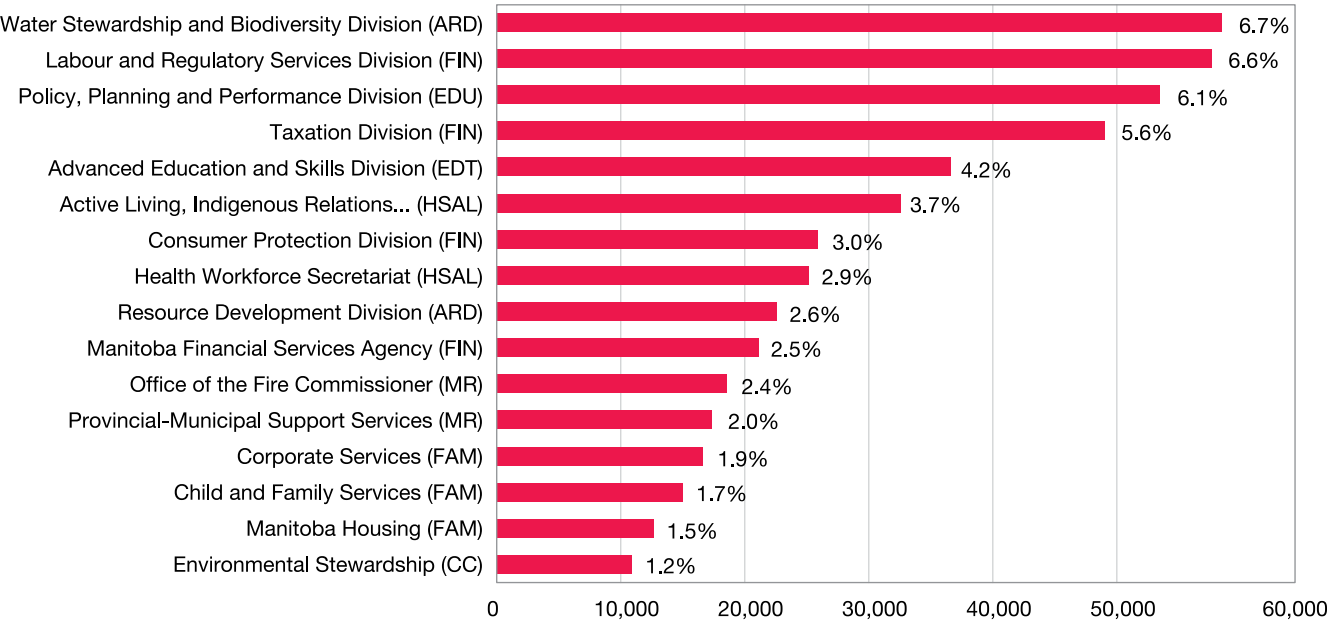
† Crown Services did not report any regulatory requirements in 2019-2020 beyond those reported by MPIC, MBLLC and MH.

REPORTING BY DGA DIVISIONS

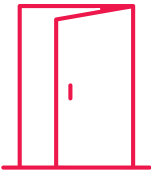
Beginning in 2019-2020, regulatory requirements are being systematically tracked and reported at the division-level as well as at the DGA-level.

As shown in Chart 3, approximately 55% of all regulatory requirements in 2019-2020 were concentrated in 16 divisions, each containing more than 10,000 regulatory requirements. Nearly one-third of regulatory requirements were not assigned to specific divisions, rather they were assigned at the level of the DGA itself.

Chart 3
Divisions* with 10,000+ Regulatory Requirements — Portion of Total, 2019-2020



*Includes divisions and other organizational units within the DGA.

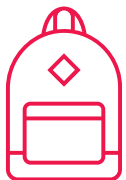


The Residential Tenancies Act expanded the ability of a variety of professionals to provide statements confirming the victims of sexual violence in addition to victims of domestic violence or stalking, in the absence of a police report or court order, for early termination of a fixed term residential tenancies lease.



Red tape reduction activities undertaken by the Trucking Productivity Improvement Fund Program of Manitoba Infrastructure resulted in a reduction of more than 100 regulatory requirements for the trucking industry.

SUCCESS STORY ♦



The application and policies for Student Aid were streamlined to make it easier for students to apply for financial aid, and for the department to assess eligibility.

TRACKING REGULATORY INSTRUMENTS

As shown in Chart 4, as of March 31, 2020, about 82% of regulatory requirements reside in forms and policies. The share of regulatory requirements in forms decreased from about 65% to 62% since the baseline count in April 2016 whereas the share of regulatory requirements found in policies is unchanged at 20%.

Also as shown in Chart 4, as of March 31, 2020, about 18% of regulatory requirements reside in statutes and regulations. The share of regulatory requirements in regulations increased from about 10% to 12% since the baseline count. The share of regulatory requirements found in statutes is unchanged at 6%.

Chart 4
Share of Regulatory Requirements by Instrument Type

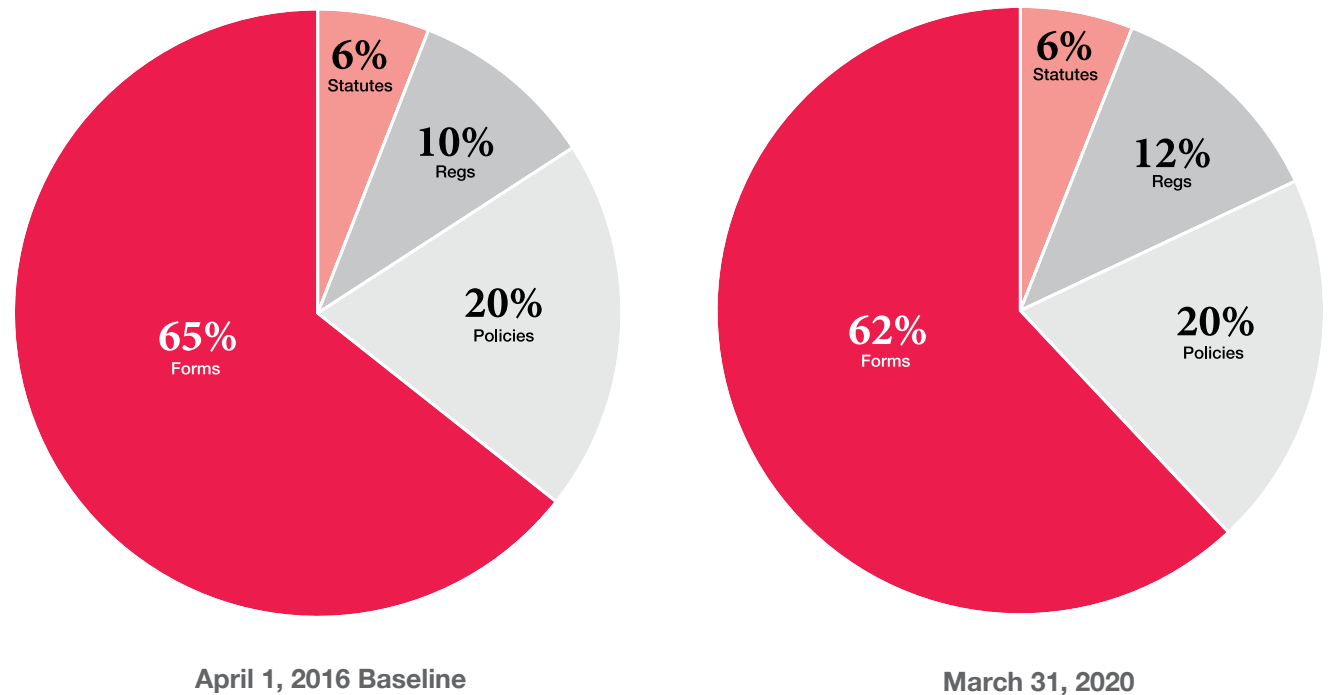
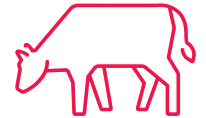
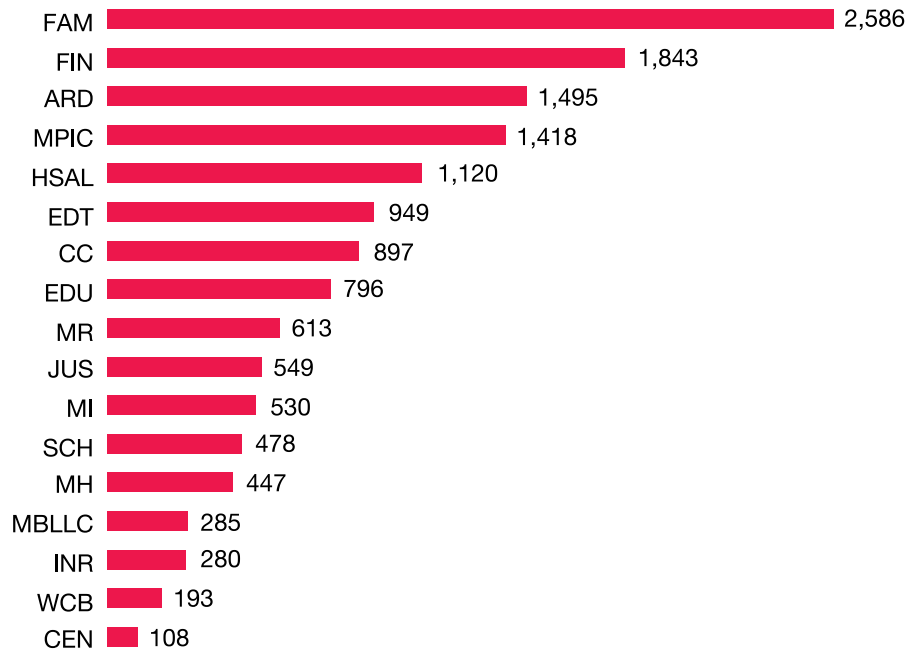


Chart 5 shows the total number of regulatory instruments including statutes, regulations, policies and forms by DGA as of March 31, 2020. Eight DGAs account for about 75% of the total number of regulatory instruments. They are: Families; Finance; Agriculture and Resource Development; Manitoba Public Insurance; Health, Seniors and Active Living; Economic Development and Training; Conservation and Climate; and Education.

Chart 5
Regulatory Instruments by DGA as of March 31, 2020



Manitoba Agriculture and Resource Development and the Veterinary Services Commission streamlined a complicated monthly reporting system for Veterinary Services Districts that included the collection of unnecessary information, with simplified biannual reporting — eliminating several thousand regulatory requirements.

SUCCESS STORIES ♦



Manitoba Municipal Relations streamlined its *Site Assessment — Large Livestock Operation Application Package* to reduce the amount and type of information required by the applicant and to provide tools and resources to assist with the application process.

4. Moving Forward

To solidify and build upon the reductions in regulatory requirements made in 2019-2020, DGAs will undertake additional, concerted actions. Next fiscal year will be the first full year of the government-wide Manitoba “Measuring Progress” *Balanced Scorecards*, and all DGAs will endeavor to reduce their regulatory requirements by at least 2.5% by the end of the year.

The “2-for-1” rule continues in 2020-2021, which will help spur DGAs in making further reductions in regulatory requirements. Some multi-year projects will also be completed in the coming year, resulting in further reductions.

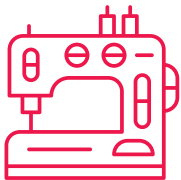
In addition, an increasing number of proposed regulations will benefit from stakeholder input that is provided by way of the Manitoba Regulatory Consultation Portal which went live in October 2019.

The RAD system will continue to be improved, enhancing regulatory accountability management and performance reporting, and the overall efficiency provided by the system. This will support the Regulatory Accountability Committee of Cabinet in

monitoring and recognizing where progress is being made, and will help DGAs focus on areas for future action.

Now that the RAD system enables more systematic tracking and reporting at the division-level, more accurate attribution of regulatory reduction performance is possible. DGAs will be able to more readily monitor regulatory performance by division to better target and achieve regulatory requirement reductions.

The Manitoba government will continue to play a leadership role and act upon opportunities to collaborate with federal, provincial and territorial governments to reduce red tape that impedes interprovincial business and labour mobility. This includes active participation in the *Canadian Free Trade Agreement* and its Regulatory Reconciliation and Cooperation Table, as well as the *New West Partnership Trade Agreement* and other partnerships.

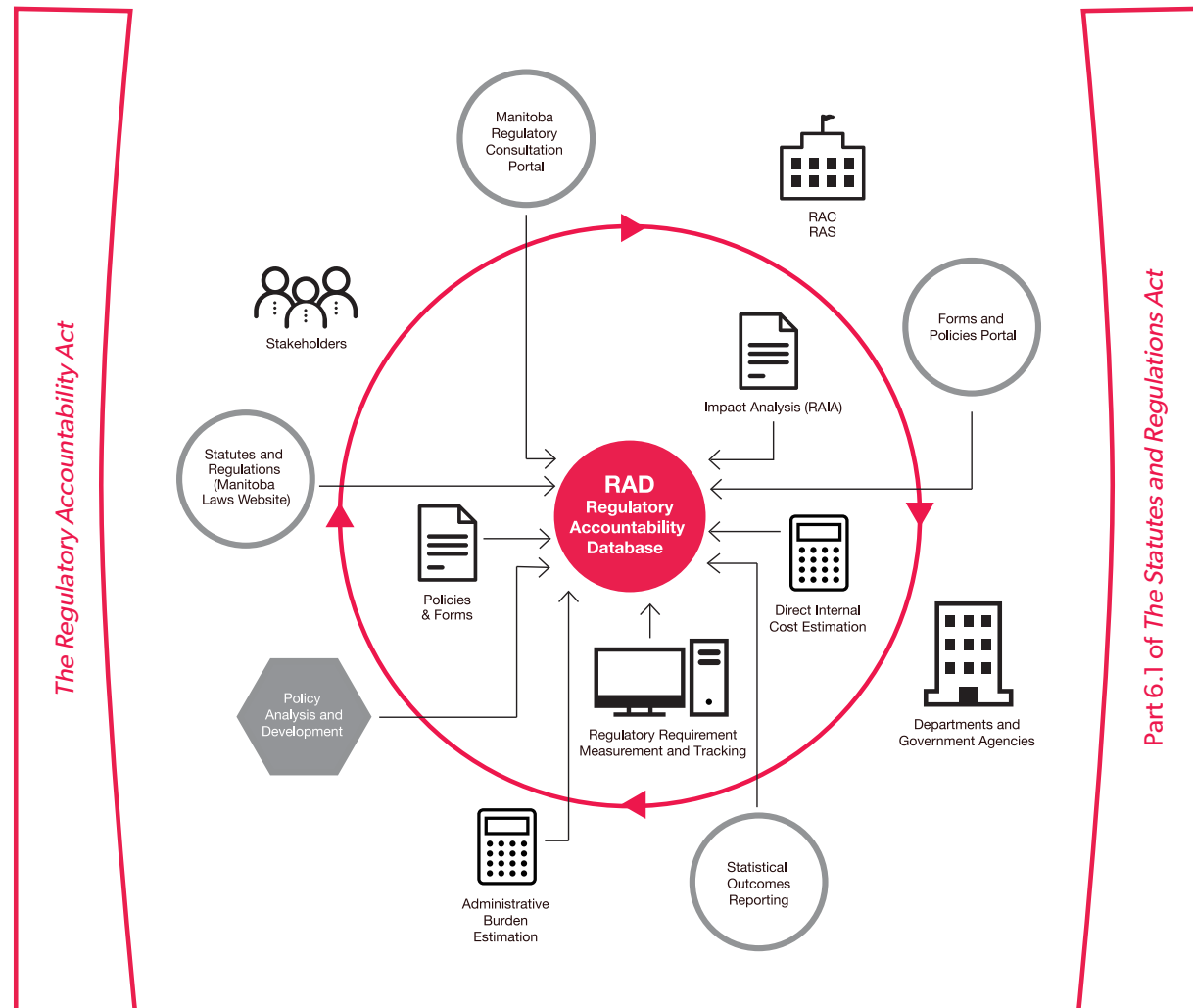


SUCCESS STORY ♦

Manitoba’s *Bedding and Other Upholstered or Stuffed Articles Regulation* was repealed, eliminating more than 200 regulatory requirements and reducing significant costs and burdens on retailers and manufacturers while removing a barrier to internal trade. Manitoba was one of three remaining provinces with overlapping requirements that duplicated federal requirements in this area.

Appendices

APPENDIX 1 MANITOBA'S REGULATORY ACCOUNTABILITY FRAMEWORK



APPENDIX 2 REGULATORY REQUIREMENT TRANSFERS RESULTING FROM OCTOBER 2019 GOVERNMENT REORGANIZATION

Regulatory Requirements Received in Transfer

DGAs	Transfers Received	Percent of Total
ARD	73,906	38%
EDT	44,565	23%
FIN	24,619	13%
MR	22,287	12%
FAM	16,794	9%
CEN	3,251	2%
HSAL	2,630	1%
JUS	1,210	1%
MET	1,168	1%
CC	1,157	1%
EDU	711	0%
SCH	7	0%
MPIC	6	0%
MI	–	0%
Total	192,311	100%

Regulatory Requirements Transferred Out

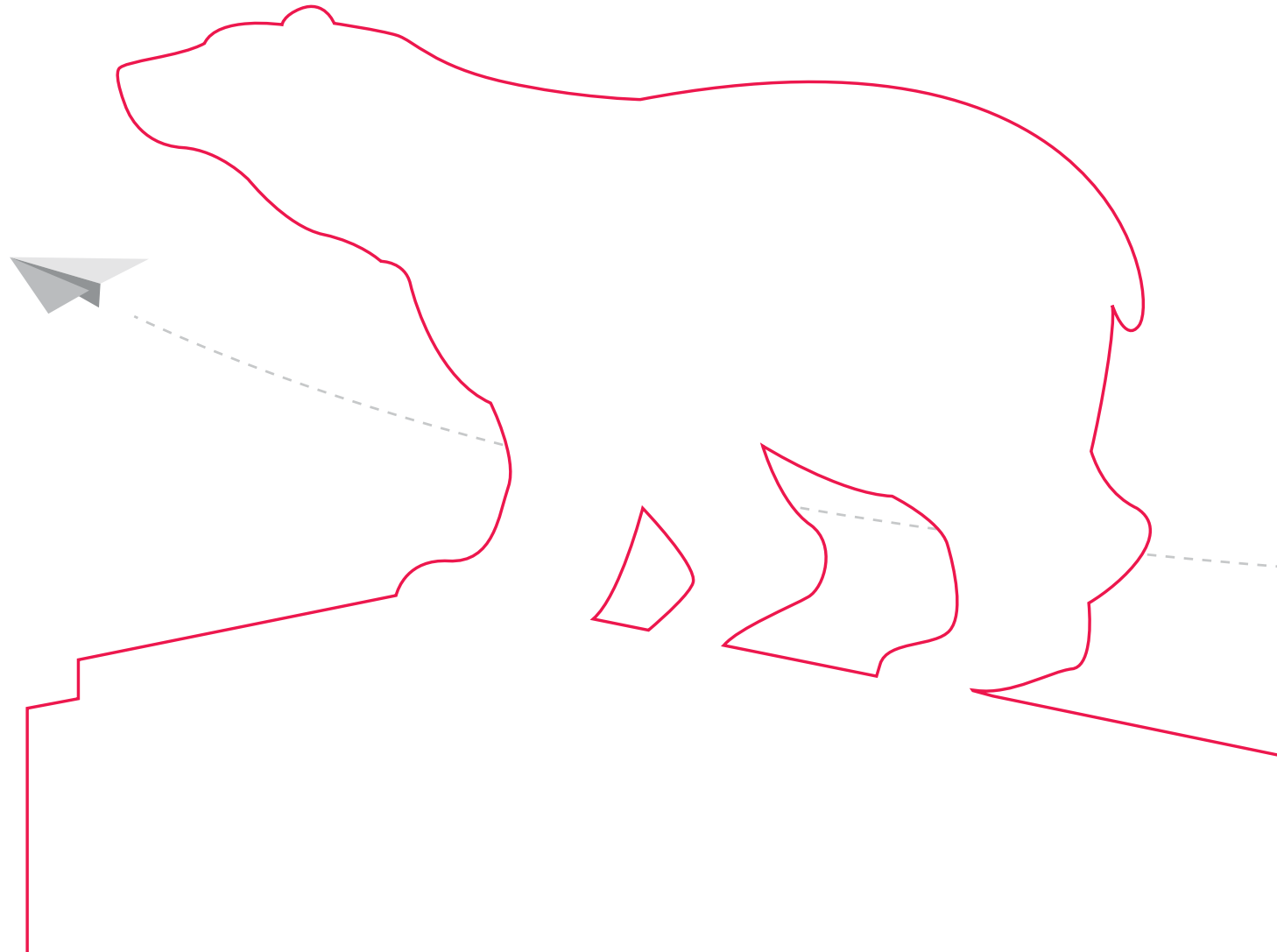
DGAs	Transferred Out	Percent of Total
MET *	55,014	28%
GET *	49,284	26%
SD *	49,933	26%
JUS	16,080	8%
FIN	8,758	5%
FAM	6,260	3%
HSAL	2,738	1%
MR	1,764	1%
EDU	1,118	1%
EDT	862	0%
SCH	144	0%
MPIC	122	0%
CC	107	0%
AGR *	82	0%
MI	31	0%
ARD	14	0%
Total	192,311	100%

* MET (Manitoba Education and Training), GET (Growth, Enterprise and Trade), SD (Sustainable Development) and AGR (Agriculture) refer to DGAs that existed prior to the October 2019 reorganization.



Manitoba Infrastructure's Permit Process Reviews for the trucking industry, occurring during the design phase to upgrade the Advanced Permitting and Routing System, resulted in a reduction of more than 600 regulatory requirements.

SUCCESS STORY ♦



ABOUT THE REGULATORY ACCOUNTABILITY SECRETARIAT

The Secretariat provides analytical and decision-making support to the Regulatory Accountability Committee of Cabinet, the Cabinet committee responsible for the modernization of regulatory development and red tape reduction practices across government.

HOW TO CONTACT US?

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