



LEGISLATIVE ASSEMBLY MANAGEMENT COMMISSION
Minutes of a Meeting Held at
5:00 p.m., Tuesday, October 23, 2018
Room 254 Legislative Building

DECISIONS

1. Reporting of Member versus Member harassment complaints

To date, no such complaints have been filed.

2. Legislative Assembly Workplace Impairment Policy

A Workplace Impairment Policy was approved for Legislative Assembly employees as outlined below:

POLICY

The Manitoba Legislative Assembly requires that all employees adhere to safe work practices and procedures and that the workplace is not only safe for themselves, but for their coworkers and the general public. This policy is not to replace, but rather complement existing policies and guidelines.

RATIONALE

The Workplace Impairment Policy is intended to minimize risks in the workplace caused by the legal or illegal use of prescription, non-medical or any other substance that may cause impairment. The policy recognizes that there are a range of factors that can contribute to the impairment of employees at work, including the use of prescription substances such as opioids or medical cannabis, as well as non-medical substances such as alcohol, cannabis or illicit drugs.

APPLICATION

This policy applies to all employees of the Manitoba Legislative Assembly including staff of the Non-Political and Political Offices of the Legislative Assembly as well as Constituency Employees employed by Members of the Legislative Assembly.

Non-Political Offices of the Legislative Assembly include:

- Clerk of the Legislative Assembly
 - Committees, Journals, Research, Visitor Tour Program, Sergeant-at-Arms/Chamber Branch, Hansard, Members' Allowances Office, Internship Program, Provincial Page Program



- Office of the Speaker
 - Education and Outreach Services
- Administration
 - Human Resource Services, Finance, Gift Shop, Greetings Branch, Information Systems

Political Offices of the Legislative Assembly* include:

- PC Caucus
- NDP Caucus
- Liberal Caucus
- Office of the Leader of the Official Opposition
- Office of an Independent Member

*Staff employed in the Political Offices of the Legislative Assembly are hired under the authority of the Legislative Assembly Management Commission (“LAMC”) but take direction from the relevant Caucus/political office. Political staff hired/appointed by Executive Government or through an Order-in-Council (“OIC”) are not employees of the Legislative Assembly and do not fall under this Policy. They are covered under the applicable Civil Service Commission Policy.

PRACTICES

All employees must attend to the performance of their related duties in a fit condition free from impairment, and be able to perform their duties safely and to established standards. Employees must also be presentable (i.e. must not smell of alcohol or cannabis), and must conduct themselves in a manner that upholds public trust.

The employer reserves the right to assess if an employee should remain at the workplace or perform work whenever there is reasonable cause to believe that they are impaired. The employee’s fitness for work, the safety and well-being of others, and whether the employee is presentable or otherwise conducting themselves appropriately must be considered.

Where there are reasonable grounds to believe that an employee is in violation of this policy, the employer may also investigate and will, if related to alleged illegal acts, involve law enforcement authorities in the investigation.

There is zero tolerance for possession, use or sale of illegal substances.

Medication

Employees may possess and personally use prescribed and over-the-counter medication while in the workplace or on Legislative Assembly business, but must advise management where use of such substances may cause impairment.

Employees who are required to take prescription or over-the-counter medication must consult with their physician or pharmacist to determine if use of the medication will impair their ability to safely and effectively perform their assigned duties.

Where such impairment may occur, the employee must immediately advise their manager. In the event of such impairment, the employer will consider whether it can accommodate the employee up to the point of undue hardship.

Legal and Non-Medical Substances (i.e. Alcohol/Cannabis)

While alcohol and cannabis products are legal to purchase, discretion must be used with respect to possessing or storing such substances in the workplace. The employing authority has the right to prohibit the possession or storage of alcohol or cannabis products in the workplace.

The employer recognizes that addictions to alcohol and/or drugs are treatable illnesses. Subject to employing authority approval, an employee will be granted sick leave to pursue treatment that involves time away from work for participation in residential, in-patient or out-patient services. Certain other short-term workplace accommodations may be considered in order to support the employee's return to performing the full range of duties of their position. The Employee and Family Assistance Program (EFAP) is one resource available to affected employees.

No employee with an alcohol or drug/substance addiction will be disciplined for voluntarily requesting assistance in dealing with the addiction. However, an employee will not avoid discipline by seeking assistance or declaring the addiction after they have violated any requirement of this or any other policy.

ROLES AND RESPONSIBILITIES

Employees

- Attend work fit, able and presentable in order to perform the duties and tasks assigned to them in a productive, safe and healthy manner.
- Consult with their physician or pharmacist about possible side effects of using prescribed or over-the-counter medication.
- Advise their manager if they have been made aware of possible impairment as a side effect of medication, or if they feel impaired by medication which may affect their judgment, performance or ability to work in a safe and healthy manner.
- Advise their manager if they reasonably believe that another employee may be a safety and health risk to themselves or others due to possible impairment.

Managers

- Ensure that all of their employees work in a productive, safe and healthy environment.
- Take immediate and appropriate action in the event an employee contravenes this policy.
- Consult with Human Resource Services on options to consider regarding suspected or reported allegations of impairment.
- Ensure all employees within their area of responsibility have been provided with education and resources as required (e.g. EFAP, workshops, external resources).

Employing Authority

- Ensure that this policy is communicated to and adhered to by all employees within the Assembly.

Human Resource Services

- Ensure that this policy is implemented fairly across the Assembly by providing support to employees and managers, as required.
- Assist with identifying workplace accommodations.
- Follow appropriate protocols in response to any circumstances involving the contravention of this policy.
- Provide information and resources to support employees who may be impacted by impairment (e.g. EFAP, workshops, external resources).

DEFINITIONS

- **Impairment** is a reduced or weakened state impacting mental or physical capacity. It can be demonstrated by immediate signs and symptoms or through a pattern of concerning behavior. In the workplace, signs and symptoms of impairment may include:
 - personality changes or erratic behaviour (e.g. increased interpersonal conflicts; overreaction to criticism)
 - appearance of impairment at work (e.g. odour of alcohol or drugs, glassy or red eyes, unsteady gait, slurring, poor coordination)
 - working in an unsafe manner or involvement in an accident/incident
 - consistent lateness, absenteeism, or reduced productivity or quality of work

Employee Family Assistance Program (EFAP) is a voluntary, confidential, short term counselling service. The purpose of this program is to help employees and their families with problems that have an impact on their home or work life.

Contact Information for EFAP:

Legislative Assembly employees and Constituency Assistants - 204-945-5786 or 1-866-669-4916

AUTHORITY

- LAMC October 23, 2018

3. 2017/2018 LAMC Annual Report

The Legislative Assembly Management Commission Annual Report for 2017/2018 was considered and approved.

4. Public disclosure of the Caucus Office Staffing and Operating Budget Formulas when requested by the public/media and/or other government officials & Supplementary Information – Public Disclosure of the Caucus Office Staffing and Operating Budget formulas

Effective immediately, Caucus office staffing and operating budget formulas will be posted on the Manitoba Legislative Assembly website.

5. Reimbursement of Legal Services for MLAs

A policy on Reimbursement of Legal Services for MLAs was adopted as outlined below:

Purpose

This document sets out the eligibility criteria for reimbursement of legal fees for outside Counsel by the Legislative Assembly and the process for making a reimbursement request.

Eligibility Criteria

Reasonable legal fees and disbursements incurred by Members of the Legislative Assembly are reimbursed by the Assembly only if:

- 1) the Member has not initiated the legal proceedings,
- 2) the legal expenses arise out of or are directly related to the Member carrying out the duties of a Member,
- 3) the subject matter is not electoral or personal to the Member,
- 4) the legal expense is not in respect to a Member's dispute with another Member, or with the Assembly or its officers or employees,
- 5) the legal expense is not in respect to a Member's dispute with the Government of Manitoba,
- 6) the request for reimbursement is made at the conclusion of the matter and once all applicable appeals have concluded or the appeal period has expired,
- 7) The member has exhausted all other reasonable opportunities for reimbursement including insurance coverage and court costs awarded, and
- 8) The hourly rate charged for the matter is the ordinary hourly rate paid by the Government of Manitoba.
- 9) LAMC determines that reimbursement is appropriate in the circumstances.

Process

To request reimbursement of legal fees by the Legislative Assembly, the Member must write a letter to the Chair of LAMC describing the circumstances that arose and demonstrating the basis for the request, including how the matter arose in the exercise of the Member carrying out the duties of a Member.

The request will be presented to LAMC at the next available opportunity. LAMC may, at its discretion, grant the request, in whole or in part. LAMC's decision is final.