



First Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS
(HANSARD)**

39 Elizabeth II

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARR, James	Crescentwood	Liberal
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHEEMA, Gulzar	The Maples	Liberal
CHOMIAK, Dave	Kildonan	NDP
CONNERY, Edward, Hon.	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Cliff	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack, Hon.	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
STEFANSON, Eric	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, November 23, 1990

The House met at 1 p.m.

CONCURRENT COMMITTEES OF SUPPLY

SUPPLY—LABOUR

Mr. Deputy Chairman (Marcel Laurendeau): Order, please. Will the Committee of Supply please come to order.

This afternoon, this section of the Committee of Supply meeting in Room 255 will resume consideration of the Estimates of the Department of Labour. When the committee last sat, it had been considering items 3.(a) Workplace Safety and Health: (1) Salaries \$2,809,900—on page 133 of your Estimates book.

Mr. Kevin Lamoureux (Inkster): I have just a couple of brief questions regarding the Workplace Health and Safety Advisory Committee. I was wondering if the Minister could outline the membership of this particular committee, if this is the appropriate line for it?

Hon. Darren Praznik (Minister of Labour): Yes, Mr. Deputy Chairperson, it is a committee composed of labour, management and technical representatives. If the Member would like us to provide him with a list of the names of the people who are on that committee, we can certainly do so.

Mr. Lamoureux: I do not necessarily need the names, but in terms of how many representatives from labour, how many representatives from each respective party.

* (1305)

Mr. Praznik: Representing labour, from the list I have in front of me, are four individuals; representing management are four individuals; representing technical and professional bodies are four individuals, and the chairperson of the committee is Professor Wally Fox-Decent of the University of Manitoba and of Meech Lake fame.

Mr. Lamoureux: Yes, we all know the fine work that Mr. Wally Fox-Decent has done over the years. Has the membership had any change over the last year?

Mr. Praznik: There has been no change in the last year. I understand that there are a number of

appointments that are due to be either reappointed or changed depending on recommendations from the appointing bodies. The reason that has not been done to date, quite frankly, is because of the election taking place this year and change of Ministers, something my Deputy and I will be addressing within the department, probably very shortly after we are out of Session.

Mr. Lamoureux: Can the Minister say in terms of what type of remuneration board members receive?

Mr. Praznik: Yes, firstly, just one small error there—I apologize to the Member for Inkster, but Mrs. Norma McCormick was appointed this last February. With respect to remuneration of that committee, I am advised that members receive \$32.50, a stipend for one-half day's service. -(interjection)-

Pardon me, Mr. Deputy Chairperson, I am not finished. With respect to the chair of the committee, Professor Wally Fox-Decent, the chairperson receives \$129.45 per day. I should also advise the Member that we are in the process of renegotiating that with the chairperson, as Professor Fox-Decent has also assumed responsibility as chair of the Labour Management Review Committee. Just to clarify a little further, the payment is \$38.85 for members for the first half-day of the first meeting, \$32.35 for second and subsequent meetings on a half-day basis.

Mr. Lamoureux: Could the Minister outline the reviews completed by this particular body to date?

Mr. Praznik: Mr. Deputy Chairperson, I understand that, first of all, the committee is composed of a number of subcommittees which function on issues that are specific to an area of Workplace Safety and Health. They conduct ongoing work, as opposed to specific charges, unless so instruction goes forward. The minutes of their meetings, I am advised, are made available to both caucuses of the Opposition Parties, so you would be getting those on an ongoing basis to look at the work of this committee, a very valuable committee.

Mr. Lamoureux: Mr. Deputy Chairperson, can the Minister comment in terms of what the status is of the General Safety Regulations and Revisions to

the Safety and Health Committee? I know in January of 1990 the then Minister of Labour, Mrs. Hammond, indicated it should be completed in six months to a year.

Mr. Praznik: Mr. Deputy Chairperson, could the Member just clarify which specific area he is referring to? I did not quite catch that. My apologies to him.

* (1310)

Mr. Lamoureux: It would be the General Safety Regulations and Revisions to the Safety and Health Committee.

Mr. Praznik: I am advised that the subcommittee of this committee, which will be dealing with that specific area, has just been struck in the last month and a half. As one can appreciate, I am sure that, because of the basically volunteer nature of this committee, that work does not often progress as speedily as would be done if this were a permanent employment, et cetera. So, although one hopes things could be done quickly, sometimes, because of that volunteer nature, they take longer than we would expect or hope.

Mr. Steve Ashton (Thompson): Mr. Deputy Chairperson, I want to ask a number of questions related to WHMIS, the Workplace Hazardous Materials Information System. I wonder if the Minister could update this committee in terms of the current status of the system, the implementation of its various activities.

Mr. Praznik: Mr. Deputy Chairperson, if the Member would just allow me about two minutes to go to my desk, to the House, there was some material that I think he would be very interested in that I had for Estimates that I had placed there because we had started in the Chamber. If I could be so allowed to have a minute and a half of the committee's indulgence to go to my desk in the House?

Mr. Deputy Chairman: Recess five minutes?

Mr. Praznik: No, no, just one minute.

Mr. Deputy Chairman: You are gone? We will not even recess. Order, please.

Mr. Praznik: Thank you very much, Mr. Deputy Chairperson, and thank you to Members of the committee for their indulgence with me for that moment.

First of all, we are in the process, as I understand it, of implementing the Workplace Hazardous Materials Information System regulation, WHMIS.

As the Member, I am sure, will appreciate, this is very much a part of a joint process with other jurisdictions, with the federal Government. We are right on track on our schedule of implementation. I am sure there are more specific questions the Member has for me in that area, and I would be delighted to answer them.

Mr. Ashton: Yes, Mr. Deputy Chairperson, what I would like to ask is: What is the current stage, in terms of the implementation of it? I have received a number of calls from individuals who are involved with it. In fact, I had a call last night from someone who is qualified as an instructor. The main question that is coming up is as to when all the provisions of the WHMI System will be in place.

Mr. Praznik: Yes, Mr. Deputy Chairperson, my understanding is that the WHMIS regulation—perhaps I will clarify a little bit my earlier remark—is in place now. There are things under WHMIS obviously that are being developed, but under WHMIS presently that is in place and being enforced. I am advised by my department that orders have been written under that regulation.

Mr. Ashton: Perhaps I did not state my question clearly enough. I realize the regulation is in force, but there were some concerns about the degree to which some of the specific regulations will be in place within the workplace, like many hazardous materials, et cetera, and other materials.

I was wondering if the Minister could update us on that.

Mr. Praznik: Yes, Mr. Deputy Chairperson, I think I am gathering where we are a little bit confused here on this. I am sure, as the Member for Thompson (Mr. Ashton) will appreciate, and I as a new Minister am appreciating, we have a very complex system in this area.

I think what the Member is referring to is the Health Hazard Regulations, which are part of WHMIS, as opposed to WHMIS specifically, and the labeling issue. Is that correct?

* (1315)

Mr. Ashton: Yes, that is correct. I am not talking about the narrow WHMIS here. I am talking about WHMIS and the systems that are being put in place or will be put in place in that regard.

Mr. Praznik: Yes, Mr. Deputy Chairperson, I am sure the Member would appreciate this material, so I would like to table to him now, if he would like. I

offer this to him, if he would like the opportunity to sit down with some of my officials at some point to go over this material in greater detail, because it is very complex material. I will certainly make that available to him, but I would like to table to him now some of the work that the department has done under this process to date.

We have prepared our workplace bulletins on labeling of hazardous wastes in the workplace. I understand there are a series of -(interjection)-okay, the one that I have now I had for the Member earlier has now been published. I have the prototype or draft form, and I would like to table that to the committee for the Members of the committee.

I also have the Workplace Health Hazard Regulation—the course that is being taught, the program and curriculum for that course. I would table that to him today. I also have to table the guidance manual under Workplace Health Hazard Regulations, which is available to all the workplaces and workplace safety and health committees in the province.

An Honourable Member: Would you have two copies of that, Mr. Minister?

Mr. Praznik: We can arrange to have additional copies brought forward to Members of the committee next week, say Monday for example, delivered directly to the Members.

Mr. Ashton: I was wondering if the Minister could update us toward the activity of his department in terms of the implementation of the women's system in particular in terms of within the workplace the degree to which that information has been made available to different workplaces in Manitoba.

I know there have been various courses, various meetings in this regard, but I am just wondering if the Minister is satisfied that there has been an extensive discussion with different workplaces in terms of the system.

Mr. Praznik: Mr. Deputy Chairman, the Member for Thompson asks an excellent question in an area that I am particularly concerned as Minister. I am pleased to report to him, first of all, as I am sure he appreciates, it is an ongoing process of implementation and disseminating information, because obviously it takes awhile to get to everybody, and once you have done it you have changeovers in staff, et cetera. It is so important to have an ongoing process.

I am told, and I am sure he will be interested in this number, to date the department advises me that we have issued 300 to 500 orders approximately. We do not have a running total for him, but it is in that magnitude under the WHMIS system.

Also with respect to various courses that are available, I have with me from the Field Inspection and Education Services Branch a list of various programs that have been offered in locations like Dauphin, Brandon, The Pas and in Winnipeg throughout the fall of 1990 of this year. I would like to table that to Members of the committee and I am sure both of the critics would appreciate that information.

We will also provide to both Members, both critics, the schedule for the next quarter of programs throughout the year.

Mr. Ashton: I asked in terms of the training and education side. I am just wondering what the progress has been in terms of labeling and material safety data sheets, which essentially are the main component of the WHMIS itself.

Mr. Praznik: If I may, Mr. Deputy Chairman, I will take the Member through the process that has developed in dealing with this. My department is looking at me and I am sure will advise me where I go wrong in going through this somewhat complex process, which is certainly new to me as Minister.

The Manitoba Workplace Safety and Health Committee prepared a report on those issues. The parallel process was going on at the same time regarding labeling issues under the WHMIS system, which is initiated by the federal Government and co-ordinated by them.

There is a working group composed of federal, provincial, union, industry representatives that works on that particular matter under the WHMIS system. So we have two parallel processes having gone on at the same time.

The federal WHMIS system have just completed their report and we have sent that, I understand, back to our advisory council in order to look at both the work they have done and compare it to WHMIS because obviously, I think the Member would agree, it is important, particularly on labeling issues, to have a harmonization across the country, always of course maintaining the highest possible standards, but to not be having different labeling methods in different jurisdictions so it becomes confusing for people in the workplace.

This process of going back with the WHMIS report to be reviewed by our Workplace Safety and Health Committee I understand is now under way. I am just looking to my department whether it has actually been tendered to them yet, to our Workplace Safety and Health Committee. Yes, the committee now has a digest of the report, so that review is going on. In the interim we are using the action plan agreed to by the Workplace Safety and Health Advisory Council on this issue. So we have an interim measure in place, we had our own work going on in Manitoba, we had the work going on under the WHMIS system; that is now being looked at together with our Workplace Safety and Health Advisory Committee and that is where we are at this current time.

Mr. Ashton: Looking ahead then, when does the Minister anticipate that there will be a provincial response developed to WHMIS? I do not know if response is perhaps quite the appropriate word, but when does he anticipate that process being completed?

Mr. Praznik: Mr. Deputy Chairperson, I had the opportunity to meet with that committee last week. It was not a time frame that they presented to me. We talked about a lot of issues and we try to keep in touch. I would hope that it would be in a reasonable period of time, but I certainly do not want to rush that committee in their deliberations on such an important area. It is a rather complex area and I want to make sure a thorough job is done by that committee. I am certainly cognizant of time; we do not want to see things go on forever, but we want to give them sufficient time to do their work.

I am also pleased to say that there is not a void, that we do have in the interim our action plan which that advisory council had put forward and agreed to. So it is not as if we are operating in a void while that work is going on.

* (1325)

Mr. Ashton: I realize that, but presumably the development of a response to the provincial women's recommendations will lead to a more comprehensive system.

I would like to ask the Minister perhaps, recognizing the fact that some time is required, does he have any outside limits in terms of their work? Has there been any discussions of a deadline, however tentative? The reason I am raising that is that obviously if we are going to have a more

comprehensive system under WHMIS in Manitoba, the obvious question is being asked, and it has been asked of me, as to when that system will be implemented.

Mr. Praznik: Mr. Deputy Chairperson, I certainly do not want to convey to the Member for Thompson the impression that we would like any delay in this. In consultation with my departmental officials, we may look at some reasonable dates for that committee's operations to get back, which would probably be late spring, early summer from the experience we have had in the time frames in which they deal with these types of issues.

I would also point out that there is one small complexity to that in that the working group report under the WHMIS legislation still has to go through the federal system. So the federal piece of the puzzle is not entirely in place yet, only the working group report, which our committee is now studying. So if there are changes as the working group report works itself through the federal approval process and review process, et cetera, if that changes we will have to be flexible enough to accommodate and review those types of changes.

As I am sure the Member for Thompson appreciates, we are dealing with a lot of ongoing pieces here in trying to juggle them in an effective way when not all of the pieces to the puzzle we control.

Mr. Ashton: Are there any indications as to the time lines for the federal process?

Mr. Praznik: Mr. Deputy Chairperson, I will undertake to the Members of the committee to send a letter to my federal counterpart to see if we can get a time line to plug into that. That was our intention as we work through this, but I will make that commitment here today to the Member.

Mr. Ashton: I certainly appreciate and I recognize it is a process that is ongoing. As I indicated a few minutes ago, I am getting questions from people, and there is certainly a lot of interest in the next step, of course, because that is going to be the key step really with WHMIS, to turn it from the concept shall we say and put it into a workable system. I recognize it is not an easy next move.

I do not know if the Liberal Member has any questions on WHMIS, but I did want to move into some other questions in terms of workplace hazards.

Mr. Lamoureux: I did have a few more. Was the

Member for Thompson wanting to go to a different line?

Mr. Ashton: I have some further questions, not on a different line, but further questions in terms of Workplace Safety and Health, but I was just wondering if you had questions on WHMIS. Otherwise, I can continue.

Mr. Lamoureux: Not on WHMIS, but I have some questions.

Mr. Ashton: Perhaps I will move on; I have some other questions. One issue that has come up recently in terms of workplace safety and health, workplace hazards is in regard to second-hand smoke. I have raised this issue previously as Health Critic and I am raising this in light of recent medical studies from the United States indicating that second-hand smoke is clearly a carcinogen.

Now in the case of other carcinogens, we obviously have regulations in place to deal with them. In the case of second-hand smoke we do have the Bill that was passed by the Legislature last year, which does to a certain extent deal with employees in public places, but there are exemptions obviously for non-public places. The intent was basically with public areas, not all work areas.

* (1330)

I realize that federal and provincial Governments have a non-smoking policy, although quite frankly, despite our comprehensive policy, the fact that so-called Members' lounge continues to be a smokers' lounge is of concern to me, given the close proximity of the Legislature and the fact that some of us who are non-smokers would like to use it without suffocating in the smoke-filled back rooms of politics.

My concern is in the general sense with second-hand smoke. I would like to ask the Minister if his Department of Workplace Safety and Health has dealt with this issue in any way, shape or form, and if perhaps he can update the committee in terms of where there have been any studies, any proposals for regulations, any response to the growing recognition of the fact that second-hand smoke is a carcinogen.

Mr. Praznik: Mr. Deputy Chairperson, I am in a great quandary today, because the Member for Thompson and I are not often in agreement, and here today we have a great deal of agreement. We share a common interest and I am sure the Member

for Inkster (Mr. Lamoureux) is part of that and yet at our table today the Deputy Chairperson may have a different point of view. I just hope that the comments I make will not in any way reflect on the time that it takes us to proceed during the course of these Estimates.

First, I would like to say to the Member for Thompson on a personal basis that I am in full concurrence with his concerns and I always have been as an MLA. I worked with Members of his Party and Members of the Liberal Party in securing passage of the private Member's Bill last year, which I understand is presently in the Department of Justice as implementation issues and things are worked through. I supported that very sincerely because that is an issue and it is a disturbing one in the workplace.

As Minister, under our current legislation, on a legal point we have some technical problem in dealing with second-hand smoke because, under the terms of the legislation, in my review of that legislation, because it is not an item that deals with the processes in the workplace, the production—it is not airborne as a result of a production process, et cetera—it is not covered by the Act. However, having said that, instruction to staff has always been, by my predecessor and others, that through our Workplace Safety and Health Committees and our Field Inspection and Education Services Branch, we work with those Workplace Safety and Health Committees to assist with encouraging the elimination of second-hand smoke in the workplace.

(Mr. Ben Sveinson, Acting Chairman, in the Chair)

So as a policy mandate to the department, it is certainly there. I am sure he can appreciate, within his own caucus and within staff, et cetera, sometimes these issues are difficult to deal with. I look forward as a Member of this House to the coming into law of our private Member's legislation, and from a departmental point of view we are doing all that we can within our mandate to work in workplaces to eliminate second-hand smoke.

Mr. Ashton: Mr. Acting Chairperson, I thank the Minister for his concern in this area, although obviously one of the difficulties as I said is that the Bill does not extend to the workplace situation. It will affect some workplaces indirectly because they are public areas, but I know even in many industrial plants, despite the fact this matter has been discussed, there really is no regulation preventing

ongoing smoking and people being exposed to second-hand smoke. It becomes a particular problem in an industrial environment where in a lot of cases people feel they are exposed to hazards anyway, so the added hazard of second-hand smoke is not going to make that much of a difference. Well, that is not always the case. Obviously there can be cumulative impacts, but some people in particular are quite subject to allergies, reactions, direct health ramifications of second-hand smoke.

I will give the Minister an example. I received a call last year from a woman employed in a provincial Government building where there is a no smoking policy, but where there is a smoking area. She is highly allergic to smoke, and because there was no separate ventilation system for the smoking room it essentially found its way into other areas of the building, and she is quite seriously looking at either transferring or quitting her job because of that. That is one example. There are other examples.

I know even in terms of Inco a number of people who have approached me had hoped the private Member's Bill would deal with smoking in the workplace. It has not and they are faced with difficulties even though they are pursuing it through the Workplace Safety and Health Committees. Obviously there are some diehard smokers who do not want to give up their ability to smoke in any situation.

So what I would like to ask the Minister is, beyond the question of Workplace Safety and Health Committee's promoting non-smoking in the workplace, is the Minister looking at any regulations in regard to the non-smoking issue? In particular I am thinking here in terms of—we were just discussing a few minutes ago the workplace health hazard regulation. The evidence suggests that secondhand smoke is a health hazard. I would like to ask the Minister if the Minister is contemplating bringing in regulations that would restrict its impact on people.

Mr. Praznik: Mr. Acting Chairperson, I am somewhat concerned. As I view Members travelling between this committee and the committee in the Chamber, I am noticing that we are adding to the number of smokers who are visiting us in this Chamber. It gives me some concern that perhaps discussing this issue is attracting an unfavourable majority to the cause that the Member for Thompson (Mr. Ashton) and I feel so strongly about.

Mr. Acting Chairperson, having been in office for two months, one sits down and looks at issues of course that you have to deal with immediately because they are there on your agenda. You look at issues that you have to deal with between now and the end of the fiscal year as budget planning takes place, and one has an agenda for the longer term on issues in which you have a particular interest as a Minister or see a social need or a specific need that has to be fulfilled.

The commitment I make to him is it is something that I am interesting in looking at as Minister. I cannot commit today to a regulation, legislation or any of those vehicles, but it is certainly on my agenda as Minister to have a look at that sometime in the not too distant future. It is certainly a problem that I appreciate.

I am sure the Member for Thompson (Mr. Ashton) will concur with me when I say that it is far more than just a Workplace Safety and Health issue. It is certainly a social issue and is a difficult one to address. I am sure there are many in all Parties, where we have been in these battles between smokers and non-smokers in caucus rooms and all of those things.

They are not easy because they involve something that is very close to people. One should never forget—as the Member for Thompson has pointed out so ably—that we are dealing with an issue that affects people's health.

* (1340)

I, too, am someone who has an allergic reaction of sorts to secondhand smoke and find it very uncomfortable to be in situations of secondhand smoke. I am consequently very sympathetic on a firsthand basis to people who share that difficulty. I say to the Member for Thompson, it is certainly something on my agenda as Minister that I want to have a look at down the line.

Mr. Ashton: I appreciate that. I will be pursuing this further throughout the year and in upcoming Estimates. I think the Minister hit the nail on the head when he talked about the social dimension of it. I really do believe that what has happened is attitudes towards smoking have shifted perhaps more rapidly in the last number of years than the Government legislative response.

I find from my own discussions a significant number of smokers are becoming aware of the concerns of non-smokers. What I also find

interesting of course is that the former smokers are often, as converts to non-smoking, the most vociferous in wanting to restrict secondhand smoke. I certainly appreciate the comments of the Minister.

I want to move on to a couple of other areas as well in terms of workplace hazards. One is in regard to asbestos. We had a situation recently involving asbestos that was brought forward to the Legislature. I know it is an ongoing concern with many workers I have talked to that asbestos pipes, other asbestos materials, are still in many workplaces.

I would like to ask the Minister what actions the department has been taking in terms of asbestos and the degree, if the department is aware, to which there is still asbestos materials in situations that could potentially be hazardous to workers. As I said, virtually any and every workplace has at some time had piping or other materials containing asbestos.

I would like to ask the Minister the degree to which asbestos has been removed and the degree to which we are running into difficulties in terms of exposure to workers.

Mr. Praznik: Mr. Acting Chairperson, I want to thank the Member for Thompson for that question. It is certainly a timely one, and one that should be a concern to us all is the safety of materials in the workplace, the form they are in and how that affects their safety.

As the Member may or may not be aware, asbestos is identified as a designated material in Manitoba Regulation 5388 which is the health hazard regulations. It is identified as a carcinogen. Under this regulation all exposure must be maintained to as close to zero as is reasonably practicable.

Staff have been enforcing procedures in the publication, *Safety in the Use of Asbestos*, which is published by the International Labour Office with amendments necessitated to remain consistent with *The Workplace Safety and Health Act*. This protocol, *Safety in the Use of Asbestos*, when one deals with asbestos issues, is how asbestos handled under this particular protocol depends very much on the form, different rules for asbestos and different forms, et cetera.

We are at this time using that protocol. It sets the priorities, how we deal with it and provides those standards and methods, et cetera, for dealing with asbestos. As the Member knows from questions

that have been answered in the House by my colleague, the Honourable Don Orchard, Minister of Health, programs are in place with major health institutions, et cetera, for the withdrawal or removal of asbestos from those facilities.

Although it is not happening immediately, we have the protocol which gives us a way of handling it, that establishes what dangerous situations are, sets our priorities. We are dealing with the priority situations. I would take it that within a reasonable number of years—I do not know what that would be—but a reasonable period of time, the vast majority of the asbestos dangers to people in our society will hopefully be eliminated.

Mr. Ashton: Yes, I appreciate the response of the Minister. I recognize it does depend largely on the form that it is in. I indicate to the Minister that it is one of the more frequent items of concern, that it is certainly identified with myself in terms of Workplace Safety and Health issues.

I am wondering, beyond the various protocols that do exist, et cetera, the degree to which inspections are undertaken by the staff of his department in terms of asbestos. Is it one of the substances that is normally subject to inspections? Have all workplaces been inspected to determine the degree to which there is asbestos present in the workplace? If not, is the Minister contemplating any activities or initiatives to ensure better inspection?

The other thing that seems to come up periodically is I receive calls from individuals in regard to asbestos that has been in an area for a considerable period of time, is identified as a health hazard by the employees themselves and is finally removed following pressure. I am wondering what role the department has been taking or will be taking in this regard?

Mr. Praznik: Under Ministers of Labour going back a number of years, we have asked on a continual basis for large public institutions, large industries, et cetera, to provide us on an ongoing basis, as they discover obviously asbestos in their facility, with an inventory of asbestos situations in the province.

We also receive, I am advised by the department, one or two calls a week outlining potential asbestos situations. All of those are responded to by our inspectors wherever we have that information. We also work with the companies in the inventory to remove asbestos pursuant to the protocol.

I would also invite all Members of the House, the

Member for Thompson as well, if the situations are brought to their notice by constituents, and calls, to let us know immediately. We have no problem with getting an inspector out to check that situation. If it is one that has to be removed under the protocol then we will make such order.

Mr. Ashton: I thank the Minister for that assurance. I can assure him that I no doubt will receive calls and I will forward them to the department. In fact, I always recommend they do contact the department initially.

I want to deal with another issue generally, certainly one that is close to my heart in terms of hazards, et cetera, and I refer here to the mining industry. I know with Tom Farrell on staff it certainly will be a major consideration in terms of workplace safety and health in terms of the mining industry.

I am wondering if the Minister can indicate what the experience has been this past year in terms of the mining industry both in terms of the fatalities-injuries side but inspections as well. I know there has been something of a trend in recent years. Certainly it has been noticeable in Thompson through many efforts.

Inco, in conjunction with the union, has taken the Workplace Safety and Health side, and there has been a decline in the number of accidents and fatalities, although there still are fatalities. Of course, any fatality is one fatality too many. I would just like to ask the Minister if there has been any indication this year of the trend, and particularly the kind of information that would have been gathered through his department's inspection activities.

Mr. Praznik: Yes, Mr. Acting Chairperson, first of all with respect to inspections, I am advised that the department has committed or indicated that there will be inspection on the property at minimum once a month. I am pleased to say that in many cases that rate has been as much as once a week of having an inspector on properties. We have a fairly extensive mines inspection program.

With respect to accident rates, very regrettably our rate is just down marginally, not enough to really, I would think, hang one's hat on that it is a substantial reduction. It is an area we should still have a great deal of concern about.

We have only had this year, however, one fatality. I certainly would agree with the Member, one fatality is one too many. One injury is one too many when you look at the human cost, the economic cost, all

of those things that go with accidents. Safety has to be a very important area, as so often awareness of safety issues is a big key in reducing injuries and fatalities.

Yes, Mr. Acting Chairperson, I just may continue, as I know the Member for Thompson is aware, the one fatality was a constituent of his and also someone known to Mr. Farrell. It certainly is a very sad occasion and one that quite likely could have been prevented.

* (1350)

Mr. Ashton: Yes, in fact I also knew the individual as well and it was a reminder—that is one of the reasons I am asking the question in this area—of the continuing situation one finds in the mining industry. Despite many of the advancements in recent years, it is still hazardous.

I must say, over the years I have known other individuals who have been in serious accidents and who have died in the workplace. It is something that people who work at Inco live with on a constant basis, not just underground incidentally, but also on the surface.

I would appreciate, by the way, any information the Minister could provide in terms of the accident trends over the last number of years. As I said, I know in the case of Inco, it is one of the major employers that has improved quite dramatically from certainly the early—even the '60s—but certainly the early '70s, in part because of new methods, machinery, in part because of better training.

I remember when I last worked at Inco in 1981 as compared to when I first worked there in I guess it was 1972. Even back in '81 I was put through a one-week, what was called a stope school which did include a couple of days of safety and training. It certainly was noticeable at that time, and I know things have developed since then.

Any information the Minister could provide on that, and also in terms of inspections as well, would be appreciated. I am also looking for the degree to which the inspection system has identified problems in the workplace and whether that has decreased, increased or remained steady.

Mr. Praznik: We would be very happy to provide the Member for Thompson with that information and copy the critic of the Liberal Party on that same material. For the Member's information, the mining regulations in this area are currently being reviewed

by the Workplace Safety and Health Advisory Committee for the regular updating.

I share with him the feelings when one loses someone you know who is a constituent. Just last week a person from my constituency was killed in an accident in a bush-logging operation. One of the first fax sheets on my desk as a new Minister was a constituent who was killed in an industrial accident. It is not an easy thing for the families, and it is doubly difficult when they are people you know, whether you be an MLA or a Minister.

Mr. Ashton: What often is the saddest thing involving the recent case in Thompson is the individual had been in the workplace for many years, a very careful worker whom I did know. My wife knew him as well. It was something that really struck a lot of people in the workplace when he of all people in rather freak circumstances did end up dying very tragically. I would appreciate that information.

I would like to move on too, in terms of other workplaces. If the Minister could indicate what the experience has been this past year in terms of severe injuries and fatalities in workplaces generally.

(Mr. Marcel Laurendeau, Deputy Chairman, in the Chair)

Mr. Praznik: Yes, Mr. Deputy Chairperson, I have a list before me of fatalities going back including part of this year, going back '89-90, '88-89. I can provide that to the Member if he so wishes and information going back in other years. Would it be sufficient for the Member to receive that from my department next week, a more comprehensive list?

Mr. Ashton: Yes, the last five, ten years. What I am trying to get at is the general trend in terms of workplace accidents, et cetera.

One of the reasons I am raising that is as I said despite the fact they are having continual fatalities in the mining industry, the general experience for what I have seen is that it has significantly reduced the number of injuries and deaths.

I would like to compare that with other industries, because my impression has been that other industries unfortunately, perhaps because they do not have such a statistical risk of fatality as the mining industry, lower percentage risk, have also on the other hand not had the same realization of the types of dangers that can be found even in what might otherwise appear to be a relatively safe workplace.

I am wondering if the Minister could undertake to discern that sort of information. The reason I am asking is not just in an academic sense, but obviously if you have some sectors of the economy, some areas, perhaps as I said the mining industry that has made significant approaches to maybe some experience, that other workplaces and other industries can use from the experience of the mining sector or other sectors that have done relatively well.

Mr. Praznik: Mr. Deputy Chairperson, we would provide—I understand Mr. Bawden has taken note of your request, and we will be able to provide I think quite easily at least a five-year analysis for you. Certainly we undertake to do that.

I would also like to point out to Members of the committee, and I am sure the Member for Thompson will be very interested in this fact, that today in fact the largest fine ever under the legislation, some \$10,000, was levied against V K Mason Construction involving the death of an employee in the spring who was in an incident when the construction company was involved in the repair and maintenance of the St. Andrews lock and dam.

I think the message is out there that we are enforcing this legislation and there are fines there and that if you are not taking proper precautions in the workplace, certainly you are going to be before the courts, you are going to be paying these kinds of fines and you are going to have stop-work orders and all of the remedial orders levied against the department.

One point that the Member raises, and certainly a very observant one for any of us who have been involved in these issues, and I know he certainly has been in his various experiences, is the human element of the accident that happens because of an error, not paying attention, all of those things.

When I look through the list of fatalities for the department, as he will when he receives it, you notice that so many of them are that moments of carelessness, that moment of being in a hurry that becomes a fatal moment—a very difficult area. I am sure all Members share the concern of the Member for Thompson, of the department, in trying to address and eliminate workplace injuries and fatalities.

Mr. Ashton: I certainly recognize what the Minister is saying. One of the difficulties though is that the final contributing factor may have been human error;

sometimes the attitude develops in terms of fatalities that, oh well, it was the person's fault.

I think one of the key elements of the mining industry was the recognition that, well, whether that was the final straw, shall we say, the surrounding hazards, the general level of hazard obviously if it could be reduced would lead to situations where that human error might not be fatal or not as severe.

That is one of my concerns in terms of workplaces generally, as I said, because they have perhaps a lower statistical rate of fatalities and injuries that there is the sense that, oh well, if there have been accidents it has been because of human error. Experience has shown, certainly in the mining industry, that you can eliminate the degree to which human error exposes people to serious accidents. I will await that information. As I said, I want to emphasize that I think the key—yes, fines; yes, legislative sanctions, stop work orders, et cetera, are important, but I believe it is a change in attitude that is equally as important. I am not saying it is strictly on behalf of the employers.

I remember Inco in the '70s, people did not want to wear safety glasses, did not want to wear respirators. I am sure 30, 40, 50 years ago people did not want to wear hard-hats, although by that time it had become fairly standard. People did not want to wear protective gear for their ears.

It took a considerable amount of effort, not just by the company, but by the union as well to make sure that people saw the hazards directly. That has become somewhat better recognized, although obviously there are still people who take shortcuts. What I am suggesting is that same process needs to be continued, but also on the employer's side because indeed the Minister is correct. The report may say it was the employer's error, but there are many actions that can be taken that turn an error into a far less serious situation.

I think one of the reasons in the mining industry that action has been taken is because you make a mistake underground—and I worked briefly underground, and I can tell the Minister, you make a mistake under certain circumstances, it can have pretty serious consequences. I think that people come to realize it over a period time.

* (1400)

What people are not aware of and I even see within plants where you have, you know, say the case of Inco, where you have an underground and

a surface facility, there is a different attitude toward safety even between the two levels because surface is supposedly safer. Yet you could still be injured severely. You can still die and people have on the surface. I would certainly like to emphasize that particular point.

I have a further question to the Minister. As the Minister is aware, I have raised the issue of the situation facing firefighters in terms of workers compensation. I do not intend to pursue that here. That is not what my question is in regard to.

In discussions with firefighters, one thing that has been brought to my attention is the degree to which—up until even a number of years ago in the case of the experience of some firefighters I talked to, not just in terms of the workplace, but even in terms of training—people were routinely put into situations where they were subjected to smoke without these respirators.

In fact, I talked to one firefighter who was saying a number of years ago it was almost standard practice at fire training schools. You would go into certain circumstances without a mask as part of the training process. He is quite concerned, obviously, a number of years later now in terms of the potential health hazard that may have exposed people in a training situation to.

I point out for example in that regard that we are talking not just about full-time firefighters, but volunteer firefighters. We have fairly extensive training schools that operate every year in virtually every community in the North in regard to firefighting, particularly in terms of the forestry side of it.

I would like to ask the Minister basically whether the department has either inspected or ensured that there is some other way, shape or form that people in training situations are not exposed to the smoke and other hazards without the proper protection.

Mr. Praznik: Yes, Mr. Deputy Chairperson, a very timely question. In my tour of the Brandon Fire College and rather extensive discussions I have had with our Acting Fire Commissioner, Mr. J. Matheson, I understand that either we now have eliminated or the trend is to eliminate the use of real smoke in those training situations.

We also have a code of practice for respiratory protection that has been developed for firefighters engaged in fighting structural fires. It was developed by the committee on protective equipment for

firefighters, an ad hoc committee of the Advisory Council on Workplace Safety and Health. Many of those things are underway.

I am also pleased to tell Members of the committee that one of my first roles as Minister responsible for the Fire Commissioner's office has been to present a number of air compressor units to mutual aid districts which allows them to recharge their air supply faster, quicker, closer to home in essence, to make sure that safety equipment is usable in the rural volunteer fire departments. There are a number of initiatives, practical or regulatory, standards wise that are under way to alleviate those problems.

If I may just add, in my discussions with fire chiefs across the province and with the Fire Commissioner's office, I understand that fairly detailed records are kept in the departments as to exposure to smoke, et cetera, by volunteer and professional fire departments. That is one aspect of information that is certainly going to be usable by the Commissioner's office and by us in the department in developing future policy and laying out the path where we should go.

Mr. Ashton: My main concern in particular is in regard to direct exposure, but even exposure with respirators does potentially carry certain hazards—skin exposure, for example.

The reason I am raising it is because once again the response I am getting from firefighters in discussing some of the hazards they were exposed to was often that part of the problem indeed was the schools themselves, but part of the problem was the firefighters.

They had the sense that since they were exposed to dangerous situations that the exposure to the smoke was really not going to be anything more significant, but that is beginning to change with a significant number of firefighters who have developed cancer, respiratory ailments, et cetera—a very growing concern about the direct and even indirect hazards that firefighters are exposed to.

In fact I had the experience just last week, quite accidentally when I was flying back to my constituency, of talking to one of the flight attendants who I had talked to on many occasions. It was not until she had a spare couple of minutes she told me that her husband had just died, a firefighter at the

age of 42, of lung cancer. He had not smoked for five years.

She outlined some of the fires that he had been involved in, significant fires, and also the similar problems that were developing with other people, other firefighters, and her fears too, her difficulties in dealing with the fact that he had just recently died and the difficulties that it placed her in and her family, but also the concerns that have developed from medical studies that show that even the offspring of firefighters can be impacted on by the exposures in the workplace.

I would stress and ask if the Minister could give the commitment to ensure, in terms of the workplace situation and also in terms of training, that whatever guidelines and regulations are put in place are enforced, and perhaps the training facilities are thoroughly inspected because they can be just as hazardous as any workplace.

Mr. Praznik: Yes, Mr. Deputy Chairperson, two points, one is with respect to rural volunteer fire departments, mutual aid districts. We have provided through the Fire Fund some additional dollars for training, et cetera, in those mutual aid districts. I will certainly relay to the Fire Commissioner the emphasis on protection in smoke situations that the Member expresses.

Secondly, we will ensure that your comments here today are forwarded to the subcommittee of the Workplace Safety and Health Advisory Council as they look at these issues, and that they are provided to that committee.

Mr. Ashton: I thank the Minister for that. I do not have any further questions under this section. I believe the Liberal Critic may have a number of questions. I have to leave the committee for just a couple of minutes. I will, however, be back since I have a number of questions on the Worker Advisor Office.

Mr. Praznik: Certainly. I would be delighted to answer them.

Mr. Lamoureux: I did want to comment very briefly on the fatalities in the workplace. Many of the comments that were made by the Minister and the Member for Thompson (Mr. Ashton), I would concur with 100 percent. Can the Minister tell me in terms of the total number of fatalities in the province, through the workplace last year, or this year, in the past year?

Mr. Praznik: Very regrettably, because all of these

numbers represent a tragedy, we have had nine. I should add to that. We have had 10, because there is one addition to this list in the last week, very sadly, a constituent of mine who was killed in a logging situation. There have been 10 to date on our records in this year '90-91, but I would add there is some caution on that number. I attach the caution with a caveat to it, Mr. Deputy Chairman, that this would not include fatalities in federal jurisdiction, only the provincial jurisdiction.

There may be a discrepancy between our numbers and those of the Workers Compensation Board. For example, if somebody died of a heart attack in the workplace, that would not show up on the figures that we have with Workplace Health and Safety. These would be industrial accident situations as opposed to suffering a heart attack or a stroke, et cetera in the workplace. That is why there may be a discrepancy between those numbers.

* (1410)

Mr. Lamoureux: Would that include the farming accidents in terms of workplace?

Mr. Praznik: Mr. Deputy Chairman, the numbers I provided do not include the agricultural accidents. These include the industrial construction accidents, fatalities, et cetera. I understand, I am advised, that we have had two fatalities in the farm situations in this year.

Mr. Lamoureux: The Minister made reference to a five-year analysis that will be completed. I would also ask if we could possibly get a copy of that. I would appreciate that. He has also mentioned the federal jurisdiction where jobs are not covered. Is that reported to the Minister if we have accidents at the bases or any types of deaths related to the military?

Mr. Praznik: No, to the Member, they are not provided to this department. They are within the purview and responsibilities of the federal Minister of Labour, and consequently, there is no requirement to report them to us.

Mr. Lamoureux: In terms of the industrial fatalities, is it safe to say generally that it has been going down over the years, over the last few years?

Mr. Praznik: The numbers I have, just for example, '88-89, there were 10, '89-90, 12. To date, we have had 10 in this fiscal year. I am advised by my department that in their observation of looking at these numbers over a number of years they tend to

be cyclical. Mr. Deputy Chairman, the interesting number to note on the long haul, and I do not have for the Member the number of years over which this trend has developed, but the number of instances of injuries in the workplace, the trend has generally been down. On the fatality side, it tends to be cyclical. The reason, I think, is for a statistical reason, and that is the number generally tends to be very low if you look at 10, 12, nine, 10, this year. Consequently, one or two—and one accident can change those percentages in numbers greatly. So the numbers we are talking about are statistically so small over a whole work force that they are difficult to give a long-term trend. Injuries, there are many more injuries, of course, and we are able to look at those numbers. The trend line there has been down over the last number of years.

Mr. Lamoureux: It is encouraging to hear that the trend line has been going down for the injuries. It is always positive to see that.

I wanted to move on to health inspectors. It has been one of our concerns in terms of the number of health inspectors and the case loads that they have. I ask the Minister, first of all, what is the actual number of health inspectors in the Workplace Safety?

Mr. Praznik: Yes, Mr. Deputy Chairperson, I am advised that we have currently 22 persons, as of today, in inspection work, and we have three positions that we will be filling. I am advised by the people of my department that because we have moved a number of administrative functions from this particular branch into the Finance and Administration branch, and I alluded to that in my opening remarks, it has allowed us to dedicate three additional people to inspection that otherwise would have been in administrative branches.

Although we have not increased the number of SYs in that area, by doing that administrative move, we have managed to put three, or will be putting three more inspectors in the field. So we may not have a lot of money, but what we have, we are stretching and using in the best way possible.

Mr. Lamoureux: So then, those three positions, we can anticipate being filled shortly. I would ask the Minister, generally in the past, has the number of inspectors increased? Like, for example, in 1988 prior to the Government coming into office, we were still looking at that 22-25 area.

Mr. Praznik: Yes, Mr. Deputy Chairperson, I am

advised that our recruitment process for all three of those positions will begin in the first week in December. Two in the first week of December and the third one to be filled a little bit later on. So we are beginning that recruitment. With respect to comparisons of us with the previous administration, we are up three positions, dedicated positions to inspection, prior to our Government coming to power in 1988.

I am also very pleased to advise the Member of a major change my predecessor, the Member for Portage la Prairie (Mr. Connery), initiated and my other predecessor, the former Member for Kirkfield Park, actually saw to fruition. That was the appointment of a full-time chief occupational medical officer, Dr. Ted Redekop. Dr. Redekop is with us here in the committee today, and if you would just stand. Thank you, Dr. Redekop. This position, as I understand it, was created in the early '80s, actually in 1977, under The Workplace Safety and Health Act. It was never filled.

In fact in 1983, under the previous administration, it was declared redundant. In 1988, when my colleague, the Member for Portage la Prairie, was Minister of Labour, I think he made a commitment at this committee of Estimates to restore that position. That was done, and Dr. Redekop was recruited to the position this year by my predecessor, the Honourable Gerrie Hammond. So I am very pleased to say that we have reinstated and filled that very, very important position of Chief Occupational Medical Officer for the department, a very critical position within our Workplace Safety and Health branch.

Mr. Lamoureux: Mr. Deputy Chairperson, this might not be the appropriate line to ask this particular question, but maybe the Minister can feel free to answer it. It is in regard to decentralization. Has this particular line—what other line or staff is being relocated and where would they be relocated to?

Mr. Praznik: Mr. Deputy Chairperson, if I may just make one clarification to my previous numbers to the Member for Inkster. The number of inspectors did not include the Mines Inspection people or the Industrial Hygienists.

With respect to decentralization, I am advised that we have located Safety and Health officers, one position in Stonewall, one position in Ste. Anne, and one position in Beausejour. I would add that move

was made prior to my becoming Minister of Labour, although, Mr. Deputy Chairperson, I will take some credit with bringing the need for an inspector in our part of the world to the attention of my predecessor who reacted and responded to that need in a very positive way, one that is viewed very happily by the people of northeastern Manitoba as it is in Ste. Anne and Stonewall.

These three Safety and Health officers' responsibilities include work in the logging and forestry industry. As I am sure the Member will appreciate, all of these areas are included in regions that have a fairly substantial logging and forestry industry, so they are now much closer to the people who they serve and the workplaces that they are there to inspect.

Mr. Lamoureux: Again, it is optional for the Minister because it is a different line, but is there a total number from the department that is actually—

* (1420)

Mr. Praznik: Yes, Mr. Deputy Chairperson, the numbers are planned for decentralization including the number that have been decentralized to date. Those who will be moving include as follows: to Brandon, 20; to Beausejour, 6; to Ste. Anne, 4; to Portage la Prairie, 3; Flin Flon, 1; Stonewall, 1; Ste. Rose du Lac, 1; The Pas, 1; Gimli, 1—those moves to take place anywhere from September of this year. In the case of Beausejour which has been accomplished—September of 1991 for most; in the case of Brandon, January of 1992.

On a program basis, 16 of those positions are from the Fire Commissioner's office, nine from Engineering and Technical Services, two from Employment Standards branch, five from Apprenticeship and Training, four from Workplace Safety and Health and two from Mechanical and Engineering.

I am pleased to report that of the moves that have taken place currently, particularly to Beausejour this September, in speaking with most of the staff there, the moves were greeted very, very favourably. This department accommodated many personal needs. Two of those people, I understand, who were decentralized to Beausejour, for example, already lived in that part of the world and had been commuting to Winnipeg, so we have managed to accommodate many of the needs that were there. In talking with the staff in that move, they feel much

closer now to the people they are serving and are very, very happy with the move that has taken place.

Mr. Lamoureux: Not wanting to deviate too much from the rules, I will stick right back to the resolution and would ask the Minister, is there an estimate in terms of the number of workplaces there are in the province? Just a rough estimate.

Mr. Praznik: Yes, Mr. Deputy Chairperson, as a ballpark number we estimate that there are approximately 45,000 businesses in the province. How many workplaces that translates into we cannot be quite sure because obviously a number of them may have several workplaces. For example, a logging company or a small logging operator may have operations going on in five or six or 10 specific places in a forest so it is hard to estimate the number specifically, but that is a good base to work from on the 45,000 businesses.

Mr. Lamoureux: Mr. Deputy Chairperson, can the Minister tell me in terms of how many inspections would have taken place over the last 12 months?

Mr. Praznik: Mr. Deputy Chairperson, I am advised that excluding mines some 4,000 on-site inspections have taken place in the last year by our staff.

Mr. Lamoureux: In terms of percentages, what type of percentage would we be looking at in comparison between complaints from the employer or employees versus inspections that would have been done through the initiative of the department itself?

Mr. Praznik: Mr. Deputy Chairperson, I am advised that a rough, very rough breakdown of our inspection numbers would indicate that probably about 30-35 percent are pro-active where we are going to do the inspection, many in the construction industry, et cetera. This is always excluding mines in this case. Sixty-five to 70 percent would be reactive where we are responding to complaints from individuals who call the department or our Workplace Safety and Health committees, et cetera.

What the department does try to do, based on the data we have from accident injury reports, et cetera, is target our inspections to areas that have the greatest risk, and that information we calculate off the data that comes to us on the fatalities and injuries. We are trying to target the resources that we have, no doubt about that.

Mr. Lamoureux: Mr. Deputy Chairperson, in respect to the 65 percent that would be reactive, is

there any sort of backlog, or how quickly does the department or Workplace Safety and Health act once receiving a complaint and, of course, understanding that some complaints warrant a faster reaction than others? I think in terms of on average, if someone gives in a call on one day do they expect someone to be there the following day, the same day, a week later?

Mr. Praznik: Mr. Deputy Chairperson, an excellent question from the Member for Inkster (Mr. Lamoureux). I am advised that, as I am sure he appreciates, the department assesses risk when we have calls. If it is a high risk area, for example, an asbestos problem, we will be there as soon to immediate as possible, as long as it takes us to go from the office to get an inspector on site. We try to respond as quickly as possible, and I am advised that it may take a number of weeks if it is an issue in which there is not a great deal of risk, immediate risk, say like an indoor air quality problem, the whole sick building syndrome, et cetera, where you are talking with an ongoing issue that is going to take a fair bit of assessment and work on the part of the assessor and the risk is not immediate, so within that range most of it being I would expect closer to the immediate than to the longer end of it.

Mr. Lamoureux: Is the Minister satisfied in terms of the number of health inspectors? I guess one could probably always use more. Does the Minister feel comfortable with the current number of health inspectors that he has on staff now?

Mr. Praznik: Mr. Deputy Chairperson, that is a very good question. This Minister has not been in office long enough to know whether he is satisfied or not. I will have to be here for awhile and have the opportunity to assess the operation of my department and would be pleased to answer that question this time next year, or whenever we are next into Estimates—hopefully much sooner in the spring.

Quite frankly, as I said, I have not been here long enough to fully assess personally that operation. That is something one does on an ongoing basis when you are a new Minister of the Crown.

Mr. Lamoureux: I will be sure to advise the Member for The Maples (Mr. Cheema) so that he can ask the question next year when we are in the Estimates.

Mr. Deputy Chairperson, one of the things the Liberal Party had suggested was the establishment of a 24-hour toll free line for an emergency situation.

I am wondering if the Government has moved in that direction.

* (1430)

Mr. Praznik: I gather the problem that the Member is identifying is that after hours, after 4:30, the Government line shuts down—4:30, five o'clock, whatever time.

However, with respect to Workplace Safety and Health issues our phone is answered 24 hours a day, and we have staff on call 24 hours a day to answer those situations. Most of the complaints that are immediate risk situations are coming from the workplace. Although if the workplace is out of the City of Winnipeg in a rural area, up North, et cetera, and they are calling our office there is a long distance problem there potentially. I am advised that the experience has been in the department that has not been a problem, in people reaching us after hours.

I am also advised, Mr. Deputy Chairperson, that if it is after hours most incidents were being called in by the police, fire department, et cetera, because there has been a major incident take place at a workplace.

Mr. Lamoureux: Would it be safe then to say that the department does not feel it is feasible then to have let us say a toll free line 24 hours?

Mr. Praznik: I am advised that if we were to receive a call after hours that someone could not afford the long distance we would accept the charges.

Mr. Lamoureux: Mr. Deputy Chairperson, I want to just add a couple more comments regarding work compliance orders and ask the Minister in terms of what percentage of investigations of workplaces result in compliance orders being issued?

Mr. Praznik: I am advised that most inspections, particularly those where we are called in to an incident, result in some form of order, whether it be stop-work or usually improvement order. Just asking for a sort of rule of thumb from the department, I am advised there would be probably 90 percent.

Mr. Lamoureux: In terms of the improvement orders, I know that there are exemptions; you can get the deadline extended through application. I would be interested in knowing, is there a high percentage of those improvement orders or what type of percentage actually request to have their deadline extended?

Mr. Praznik: Mr. Deputy Chairperson, I am advised that it would be a very minimal percentage compared to the total, maybe 10-15 percent, where there is some extension to an improvement order. Those are usually always in cases where the employer is working with the department in developing or improving the situation. Consequently, there is a technical problem, availability of equipment, what have you. The department is very, very much involved in most of those situations, and consequently, the options, the risk factor, et cetera, is minimal.

Mr. Deputy Chairman: Item 3.(a)(1) Salaries \$2,809,900—pass; (2) Other Expenditures \$724,700—pass.

(b) Worker Advisor Office.

Mr. Ashton: I just would like to ask the Minister very briefly, in regards to Worker Advisor Office, I note that this year compared to last year there has been no real change in terms of staff or the overall budget. I was wondering if he could provide this committee with information, both on the staffing of this section of the department over the last number of years, perhaps actually since it was started, and also some information on the number of claims it will be handling.

I note from the detailed Estimates, it is anticipated the Worker Advisor Office will deal with 750 claims in the 1991 fiscal year. I would like to ask the Minister essentially what the experience has been in terms of number of claims handled in previous years, in particular, this past year?

Mr. Praznik: Mr. Deputy Chairperson, if I might preface my remarks to the Member for Thompson with just this comment. As a backbench Member, I know he and I have spent many minutes and hours in the House talking about the experiences of backbenchers and our role as Government backbenchers. I am very supportive of this particular office. It is one that I used fairly regularly as a backbench Member in assisting constituents with claims through the Workers Compensation Board.

Upon becoming Minister of Labour and having responsibility for this particular office, it is one that myself and the Deputy are looking at ways of, within our fiscal framework, improving and assisting that office in fulfilling its function in advising workers, and assisting them in going through the Workers Compensation Board process. It is one where I have

a very strong interest, which I know the Member for Thompson shares.

(Mr. Gerry McAlpine, Acting Chairman, in the Chair)

First of all, with respect to staff. I understand that, just reviewing the record here, it has been up and down over the years. It started initially with approximately eight people back in 1982. It was reduced in 1983 by two staff positions, and it has fluctuated. -(interjection)- Okay. So initially, if I may just recap, you know I am getting information from my department here as we go through this.

Mr. Acting Chairperson, I understand that it initially started with eight, was reduced in a cutback in 1983 by the Government of the Day to six. There were some initial training functions attached to it with six employees, where they were working with members of trade unions to provide training on Workers Compensation issues, et cetera, to representatives of various trade unions.

That particular role was ended at some time in the mid-70s, mid to late '80s, and it has remained constant at six positions, so with the elimination of that function it provided more time to the six staff to deal with actually assisting workers.

Mr. Acting Chairperson, I would also point out to the Member for Thompson (Mr. Ashton), that responsibility for this particular office was not with the Department of Labour until this past year.

Consequently, some of the history, et cetera, is not our history, and one in which officials are searching through their material to obtain that for the Member.

Mr. Ashton: Yes, I am fairly aware of the history myself, in terms of the training program that was established, et cetera. My main concern too, is in terms of the number of claims that are being dealt with for a number of reasons. One is the general workload and, secondly, also the visibility office.

I have had concerns expressed to me that the Worker Advisor Office has not had the same degree of visibility it did a number of years ago, and that the number of people who should be using the services at the Worker Advisor Office are not necessarily doing so. That has been expressed to me by an individual I have talked to with the Injured Workers Association by union representatives.

It does paramount express the Workers Compensation Critic in that an increasing number of

people have not contacted the Worker Advisor Office, and an increasing number of people are conducting their own appeals, something that greatly concerns me.

It is a very difficult system, at the best of times, and that is why we have the Worker Advisor Office. I would appreciate any information on claims, and if the Minister does not have that information, in terms of a breakdown between ongoing claims and new claims handled in the year, because there is obviously a differential between the two, sort of a backlog of cases, that may not require as much work as new cases in terms of preparation.

* (1440)

Mr. Praznik: Yes, Mr. Acting Chairperson, I am advised that the number of cases that we have been handling through the Worker Advisor Office has remained relatively stable over the years. We are, year over year, assisting about the same number of workers. However, we have noticed an increase in the number of appeals in the last few years in particular.

I should just say to the Member for Thompson (Mr. Ashton), that as he can appreciate, I share with him his admiration for this particular office, that it has a role to play. I have used it, as a back-bench Member, on many occasions for constituents and assisting constituents.

I have a great deal of respect for the work that this particular office does. My deputy and I are currently working with the director of the Worker Advisor Office to look for ways that we can improve efficiency, et cetera, within that operation to ensure the Worker Advisor Office is fulfilling the mandate and the function that it was always intended to do.

Mr. Ashton: As I said, any detailed information that could be provided would be appreciated and if the Minister perhaps could provide that to me at a later date in terms of caseloads of the centre, and I would once again suggest that we do look at the visibility of the office, because I do believe it could be more extensively used than it is and I suspect one of the reasons the caseload has stayed relatively stable over the years is, of course, that the previous board did open up the door for appeals on items that had hardly been dealt with at the board level.

So the bottom line was that there would have been a significant number of cases that have been around for a number of years that were under consideration and that would have kept the numbers

relatively high. As I said, I have a concern also in terms of the workload, but if the Minister could provide that information it would be appreciated. If the Liberal Member has any questions on Worker Advisor Office, I have completed my section.

Mr. Praznik: Mr. Acting Chairperson, we would certainly be more than willing to provide you with that information and to share it with the critic of the Liberal Party, and I certainly appreciate the comments of the Member for Thompson (Mr. Ashton) and I would be delighted, as time goes on, to share with him some of the improvements and things that we were able to do in that particular office.

The Acting Chairman (Mr. McAlpine): Line 3.(b) Worker Advisor Office: (1) Salaries \$378,200—pass; (b)(2) Other Expenditures \$51,500—pass.

3.(c) Employment Standards: (1) Salaries \$1,386,300.00.

Mr. Ashton: Mr. Acting Chairperson, I have a number of questions in regard to Employment Standards. I would like to first ask, in regard to the situation with The Construction Industry Wages Act, an increasing concern has been expressed by individuals in the construction field, construction workers, that the current Act is not being properly enforced; in fact, many contractors are paying far less than the stipulated minimum wages. What I would like to ask the Minister is, what actions is the department considering at this point in time to ensure that The Construction Industry Wages Act is properly enforced?

(Mr. Marcel Laurendeau, Deputy Chairman, in the Chair)

Mr. Praznik: Mr. Deputy Chairperson, the concern expressed to the Member for Thompson (Mr. Ashton) is one that has been expressed to me, as well, by many in that particular industry, not only from workers, but also from unionized operations and non-unionized operations who abide by the Act. As one can appreciate, it certainly changes the competitive playing field when one is not following the minimum wage provisions of that particular legislation.

I can assure him that it is the commitment of this Government and of me, as Minister, to enforce the laws of this province, and we are doing that as vigorously as possible. We continue with our spot audit of various employers across the province. We

are responding as quickly as possible to complaints that are made. I think a very significant step was taken by my predecessor who approved the publication in our Work Safe Newsletter, which has a circulation of about 55,000 in the province, of the names of companies and individuals who have been convicted under The Employment Standards Act and The Payment of Wages Act for offences in this regard. We are noticing that has had some effect, we should know after a little bit longer period to assess exactly what effect, but one would hope that having your name published with that kind of circulation, is going to be a discouraging factor in not following through on the payment of wages.

Mr. Ashton: The problem, of course, is that we are talking about habitual non-payers, we are talking about people who are regularly doing this.

You are also talking about situations in which many of the employees themselves will not file complaints necessarily, because they will be afraid that it could jeopardize their employment. In particular, what is of concern is that employers who are either unionized and paying union rates, or even non-unionized employers who are following The Construction Industry Wages Act, are being undercut by other contractors who can pay less than the going rate.

As I said, the employees may feel they have no incentive to complain, because they could end up losing their jobs potentially, if either that contractor does not get the contract or receives some penalty for doing so. So I would really urge the Minister to look at ways—and even within Government funded agencies, by the way, because I am picking up complaints about Government funded projects or direct Government funding, where the contractors are being less than the stipulated wage.

There seems to be an attitude prevalent in some sections of the construction area, not all but some, that somehow this is different than, say, a normal minimum wage Act. I think most people would be appalled if employers paid less than the minimum wage, and indeed there are some who do. To my mind, The Construction Industry Wages Act is the same thing. It is a minimum wage for construction workers. I would ask if the Minister could undertake to do a thorough review, and develop much better procedures to enforce the Act and perhaps even look at tougher penalties for violators of the Act.

Mr. Praznik: Just one statistic that the Member for

Thompson may be interested in, and I am advised that our number of construction industry complaints has declined from just over 700 from April '87 to March 31, '88, down to 444 from April '88 to March 31, '89, to 233 April '89 to March 31, '90—an overall decrease of about 211.

We have had a very substantial decline in complaints from that industry. An observation made to me by staff in the department is that a larger and larger percentage of those complaints are coming from other contractors, which certainly reinforces my comments about competitiveness, et cetera, when one is not following those minimum requirements.

The comments the Member made about penalties is certainly one that is an issue that I, as Minister, am well aware, and at some point in the not too distant future may put that question to the Labour Management Review Committee which is the process for reviewing that particular issue, and it is certainly one I would not preclude.

Mr. Ashton: I thank the Minister for that undertaking. In terms of employment standards, generally, I would urge that there be an overhaul of the entire legislation to look at some of the new issues. I mentioned the immediate one in terms of unemployment insurance, but there is a whole series of issues in terms of parental leave, bereavement leave, et cetera, that need to be dealt with, and I would certainly raise that.

* (1450)

One other question I have too is in regard to a recent report. I believe it was out of Quebec, although I would have to check the report in terms of pregnant women. There is indication in that jurisdiction, I believe, that there are major problems. They had a study, an investigation, that showed there were major problems with direct discrimination in the workplace, people being let go because of the fact that they are pregnant. It particularly concerns me, given as I said, the ongoing problems—not problem—but the potential problem the Minister is faced with if the Act is not amended to account for the new UIC regulations.

So I would ask also if the Minister could undertake, through his department, to look at the experience in other provinces and determine whether we are properly enforcing the clear protection that exists, not just in terms of employment standards legislation but also human

rights legislation, because that now would include gender-based characteristics to ensure that we do not have the same difficulties here.

Although quite frankly my assessment would be that probably the same thing is happening here in Manitoba, that pregnant women are subject to many potential problems from employers who wish to avoid obviously the situation, they require medical appointments, require time off during the pregnancy, but also wish to avoid the current 17-week leave period that is prescribed by law and therefore find ways of firing the individual or letting them go in a way which would probably be illegal if it was continued from that point on. So I would appreciate it if the Minister could respond on that particular point.

Mr. Praznik: Mr. Deputy Chairman, with respect to the maternity-paternity provisions and UIC changes, I think the Premier (Mr. Filmon) made it very clear that we would be responding very quickly on that particular issue. The Member's offer for speedy passage of an amending Act was certainly noted, and I am sure discussions will take place between House Leaders on that particular matter as it develops.

With respect to that issue of discrimination with pregnant employees, I am advised by the department—and it is an interesting observation—that we have not had any complaint of which they are aware of just that kind of situation happening. So although there may be a problem in another jurisdiction, that is not to say the problem is not out there, but the information that we have from our complaint process would not indicate that it is a pressing matter. We have not had the complaints, not one in fact the department is aware of. That does not mean it is not happening.

I am certainly going to ask the department to check with the Human Rights Commission to see if they have had any complaints in that particular area. If we are not getting complaints in the system, I do not know what that tells us, but it certainly does not mean that it is a pressing problem at our door—something we certainly should be cognizant of, something we should be watching for.

I appreciate the Member for Thompson (Mr. Ashton) bringing it to my attention. I have instructed staff today, from this committee meeting, to check with the Human Rights Commission and see what

their kind of statistics are on that area. Maybe we are missing them.

Mr. Deputy Chairman: Item 3.(c) Employment Standards: (1) Salaries \$1,386,300—pass; (2) Other Expenditures \$139,800—pass; (3) Payment of Wages Fund.

Mr. Ashton: I notice that Payment of Wages Fund is budgeted at a higher amount in this particular year compared to the Adjusted Vote last year. I was wondering if the Minister could outline the reasons for that.

Mr. Praznik: Mr. Deputy Chairman, I am advised that the reason for the increase is the showing in this year's budget of the dollars of the East-West Packers receivership situation.

Mr. Ashton: I would at this point also like to raise my continuing concern about the situation in terms of Payment of Wages. I have followed this the last number of years going back to the establishment of the fund. I notice in Ontario for example they have just announced in their throne speech some action to ensure better collection on behalf of employees affected by various different situations, whether it be a plant closure, bankruptcy, trusteeship, et cetera. I recently had someone approach me in fact, an employer, who was involved in a bailiff situation, who had attempted to pay the employees directly wages that they were owed, and was told that he could not pay them directly. He would get into serious trouble if he paid the employees and this, by the way, was a couple of days after the—you know, I believe the salary date was the Friday. I believe he was attempting to pay them on the Monday from funds that had been available. The bailiff had come in on the Monday and closed the operation down.

I would like to ask the Minister to investigate those types of problems, because I think we are still running into difficulties in terms of employees not receiving the type of protection they require.

I realize there are other creditors involved but in this particular case, I thought it was—and he, by the way, felt very badly. He felt his first obligation should be to the employees, but he was told by his lawyer that he could run into serious problems if he paid the employers, instead of leaving whatever funds were in the accounts for the bailiffs.

In fact, I believe he had actually had the funds in cash, which had been removed from the operation, and was in the process of paying them when he had

to tell the employees they would not receive anything.

Mr. Praznik: Yes, Mr. Deputy Chairman, certainly I appreciate the issue that the Member for Thompson (Mr. Ashton) is raising. I am advised by staff, on this particular matter, that one of the difficulties we always have, of course, is which jurisdiction, federal or provincial, is operative? I am advised in a receivership situation those come under provincial legislation, our Act.

In the case of a bankruptcy, and I am not sure whether the specific incident the Member is referring to is a receivership or a bankruptcy, but if it is a bankruptcy situation then we are all subject to the federal bankruptcy Act and the priorities that it establishes.

A complex and difficult set of rules and priorities that are in place in two different jurisdictions, it certainly does not make it easy. I think that we are committed to do what we can in those situations, as the previous administration was committed to those situations. I appreciate his comments, take them under advisement and certainly note the concern and share the concern with him.

Mr. Deputy Chairman: Item 3.(c)(3) Payment of Wages Fund \$570,000—pass; (d) Labour Adjustment: (1) Salaries \$218,200—pass; (2) Other Expenditures \$418,600—pass.

Resolution 107: RESOLVED that there be granted to Her Majesty a sum not exceeding \$6,697,200 for Labour for the financial year ending the 31st day of March, 1991—pass.

The last item to be considered for the Estimates of the Department of Labour is Item (a) Minister's Salary. At this point we would request that the Minister's staff leave the table for consideration of this item.

Item 1.(a), shall the item pass?

Mr. Praznik: Mr. Deputy Chairperson, if I just may for a moment canvass the critics of the two Parties. Was it the desire of the committee to deal with the Civil Service Commission, which is also my responsibility, at this time?

An Honourable Member: Is your staff here?

Mr. Praznik: Yes, the staff is here and if there is no desire to do that, then we can have the staff depart.

Mr. Ashton: Yes, I just want to indicate that it had not been announced. I would have had no difficulty

with it, but I know the Liberal Critic was not available, so it would have created some difficulties.

Mr. Praznik: Mr. Deputy Chairperson, I am sure the staff of the Civil Service Commission appreciates your comments, and we will probably proceed with that next week.

* (1500)

Mr. Ashton: Yes, in terms of Minister's Salary, of course, this gives Members of the Legislature the opportunity to provide a general comment about the Minister's own performance, the Government's performance, et cetera.

If I was to mark the Minister's and the Government's performance, first of all in terms of Labour issues generally, I have to indicate that we would not give a very good grade to the Government.

An Honourable Member: What grade?

Mr. Ashton: Well, I think in terms of Labour legislation, we would give them an F. In terms of other areas, such as dealing with plant closures, we would give them a D. In terms of other areas, such as Employment Standards, I think we would have to give them an F because of being late on their assignment. They did not bring in the legislation that was required for the UIC changes. So our comments will tend to be rather critical of the Government.

I want to indicate, however, that I do not blame the Minister for that. If I was to be preparing a report card on the Minister, I would say that he has not been in his position long enough to really give much of an assessment.

I really do not mean this as a personal criticism in a personality sense, but I do think he does have one advantage entering the portfolio and that is that certainly one of his predecessors, not the immediate but the previous to that, I think he should be able to surpass the performance of that Minister. As I said, I am not looking at the personalities here but just the general performance, general contact with people who are concerned about issues in this particular area.

I also want to indicate that even though I disagreed with the previous Minister, Gerrie Hammond, I thought she had made some progress as well, so I am not being entirely critical of her efforts whatsoever.

I am concerned about the general direction of the Government in terms of labour issues, issues

affecting working people. I do appreciate the Minister's open-mindedness however on some issues. I wish he was as open-minded on final offer selection as he was in terms of some of the issues we discussed today, for example, or in terms of plant closure legislation, or in terms of pay equity in the private sector, but I still even hold out some hope there.

The Minister talked about the experience of being a back bencher. One of the advantages you have of being a back bencher is that you can sit back and yes, you do support Government policy. I am not saying that. You have to have some sort of support for those policies. You can also be a little more objective perhaps than sometimes those who are more directly involved in the drafting of those processes. You can perhaps have some licence to, at least internally, be able to call for a rethinking of the way things have been said or done.

I say that to the Minister now while he still remembers those years he spent as a back bencher or, as the Member for Burrows (Mr. Martindale) said the recent parliamentary conference called back benchers, upper bench Members. I tend to prefer that description, having found that from that position one is able to observe the operation of the Legislature and of the Government perhaps far more objectively. One has a much more panoramic view and I do not just mean in a view to the eye, but in terms of a view of the inside of Government mechanisms, and it does give one some greater objectivity.

So I am saying this to the Minister before he becomes too bogged down with his departmental responsibilities or Cabinet responsibilities because he has the opportunity here to set a new course, both in terms of his department and in terms of the Government itself.

It is the same sort of responsibility I feel that new Members of the Legislature have in terms of the Legislature itself generally. I really hope that new Members of the Legislature will not too quickly become wrapped up in the old ways of people who have been around this place—and I have been around longer than many—before they become part of the traditions without analyzing whether those traditions and the way things have always been done are the right way things should be done.

I am saying this in that same spirit to the Minister, that he does have the opportunity and, apart from

some of the issues where we may have some philosophical disagreements, I am hopeful the Minister will be more open-minded than one of his predecessors. As I said, I am not strictly pinpointing this on basis of personality, I am pinpointing it in terms of performance as Minister. The bottom line is the responsiveness, to my mind, of the Minister to the people he will be dealing with on a regular basis; and the responsiveness to the more general constituency, which I consider to be working people of this province, in particular, and employers, because they are also directly involved in many of these issues.

With that in mind, although the Opposition does have the traditional right to, for example, move to lower the Minister's Salary, I think that might be a little bit inappropriate in this particular case, because he actually has not received very much of it anyway. It is a very short year. I know he has family responsibilities; he has dependants to support. We will not be so cruel as to suggest that. Besides, we believe in the minimum wage, and when I look at Cabinet salaries nowadays, it probably works out in terms of additional hours one works as a Cabinet Minister, to be not far off the minimum wage. We will, with that in mind, agree to allow the Minister's Salary to pass without any amendment, and I look forward over the upcoming years to see if the Minister continues to be open-minded, and continues to attempt to be as responsive as possible.

With that in mind, I look forward to our next set of Estimates, which actually will only be a few months away, potentially, depending on what happens the next few weeks. In which case, we will have an opportunity very soon to analyze where the Minister has gone. Welcome to the department, once again. Congratulations on your appointment! I think it is a unique opportunity, as I said, for some changes here, and I wish you luck.

Mr. Lamoureux: Mr. Deputy Chairperson, this afternoon, in sitting inside the Chamber, one of the Bills that was under discussion, as every Friday and Wednesday, and it has virtually been there ever since I have been elected in '88, has been the final offer selection. I have a few questions regarding final offer selection, which I am hoping the Minister will be able to answer for me.

One of the concerns that has come out of the debate is the fact that when final offer selection was originally brought in, there were studies that were done, some people say, and other people will say

that, in fact, there were no studies done on the implementation of final offer selection. Can the Minister clarify that for me?

Mr. Praznik: The Member for Thompson (Mr. Ashton), I understand, has other commitments that he has to fulfill this afternoon. Prior to answering the question, if I may just for a moment, thank him very kindly for his warm personal remarks. As I scan the table of critics for this particular department, I notice we all tend to be younger people.

An Honourable Member: We age rapidly.

Mr. Praznik: We age rapidly, there is great truth in that. Having entered this House, just under three years ago, the Member for Thompson and I both shared a perch in the third row, not too far from one another, and spent many moments comparing notes of the experiences of backbenchers in Government, and we developed, I think, a friendship.

I want to thank him for his remarks, and for his contribution, because I think one thing that is certainly true for all of us who come to this place, when we eliminate the politics, the rhetoric, the television cameras, all of us, I sincerely believe, are here to better the life of Manitobans. From the Department of Labour perspective, whether it be critic or Minister, to improve the life of working Manitobans. Although we may not always agree entirely on approach, I think that end goal is one that is all shared. I think we respect one another in achieving that goal, and I certainly want to thank the Member for Thompson (Mr. Ashton) for his comments.

If I may now, Mr. Deputy Chairperson, in responding to the Member for Inkster (Mr. Lamoureux) with respect to final offer selection, in reports and studies done and completed on FOS, there have been numerous studies and assessments of final offer selection in principle and in practice from other jurisdictions. If the Member would look in Hansard, in the speech that I gave in introducing the amendment to The Employment Standards Act or to The Labour Relations Act for second reading in the House, there are references to a number of studies and reports that were done in Ontario, et cetera, on the use of final offer selection.

* (1510)

With respect to the Manitoba experience, which is a bit of a hybrid of final offer selection because it

is a one-sided FOS, the compulsion to use it is only available to one particular side. When we look at other jurisdictions, there is not much available on that because it is in fact a hybrid in legislation. What we have to look at are the statistics of use we have developed over the number of years that FOS has been a tool available in the province.

The comment I made at that time, and I certainly stand by it, when you look at the usage and you see the vast majority of those cases being settled before a selector has made a decision or even a selector has been appointed, you quickly realize that most of them were settled through the regular collective bargaining process.

Our friends in the New Democratic Party make the observation they were settled much more quickly because FOS was a tool that was available, it was a cloud over the heads of the employers enforcing them to settle. Quite frankly, I said it in my speech and I say it again here today, one will never know what really went on at the bargaining table between those two sides. We will know what one side may say went on. We may know what one side believes went on, but we will never truly know the dynamics of that kind of relationship.

The only numbers that I have to look at then are a number of strikes in the province, work stoppages in the province, et cetera. Those numbers have not significantly changed.

Mr. Lamoureux: Mr. Deputy Chairperson, I would ask the Minister, in terms of the inception, when final offer selection was first introduced. Was there a consultation process at that time that he is aware of through his department?

Mr. Praznik: Yes, Mr. Deputy Chairperson, an excellent question. I was not part of this Legislature at that time, so I am searching deep into my memory of various briefings. I understand this was one issue that was not put to the Labour Management Review Committee process.

My recollection, I may be wrong, but it was not put to the regular process or if it was, it did not come back with a recommendation to proceed. The only input from the public, in essence, that took place upon its initial introduction, was a committee of the House.

Mr. Lamoureux: Does the Minister know offhand—he has made reference to the unfairness of final offer selection in the sense that the employer cannot enact final offer selection. Well, technically

they can if they get the union membership to vote on side, but has that happened? Has the management in the applications for final offer selection ever succeeded in getting the union membership to vote, or has that question never been put that he is aware of?

Mr. Praznik: Mr. Deputy Chairperson, the one case that comes to mind again from my briefing was the case of Fisons-Western, where in the first window, which is the 30 to 60 days prior to the expiry of the collective agreement, the employer, Fisons-Western, applied for final offer selection, indicating that the dispute could not be resolved. They were, I am guessing, at a very vulnerable time in that they were beginning the harvesting season for peat, which is a limited season in the summer or spring, summer-fall period, and so they applied for final offer selection. A vote was conducted by the union, pursuant to the Act, of the employees and it was turned down. I make the assumption, of course, that the union recommended it be turned down—I may be wrong, but that would be my presumption. Negotiations continued and led to a strike. The union called for a strike; the strike was not settled; the strike did not settle the issues at the table. What ultimately happened was 60-some days later, when the next window to use FOS occurred, which was 60 days into the strike—so those Fisons-Western employees had been on strike for 60 days—then the union applied for FOS and the employees voted then to accept it.

So, if one wants to make the argument that FOS is a good tool to prevent strikes and lockouts, and maintain people on the job, then one would have to agree that in that particular instance if the compulsion to use it had been there with the employer, then FOS would have proceeded, prior to the expiry of the contract, prior to a strike, and would have prevented a very long and nasty strike situation, but the employer did not have that same ability to compel FOS as the employees had. Consequently, we had a strike because it was not an evenhanded issue.

If you ask the next question then, why is labour not saying to us today—again my speculation, why are they not saying, let us have evenhanded compulsion? Fisons demonstrates this principle as well. At that particular time the union representing Fisons workers felt that they had the company in the best position to go on strike because they were entering the harvest period for peat; that if they went

on strike it would be a great economic disadvantage to the company and force a settlement. What, of course, happened was that they misjudged and the company kept on going, not operating, but they just withstood the strike. Then the union said, well, let us use FOS.

So I say that you cannot have your cake and eat it too. If you want FOS—and I do not say this to the Member for Inkster (Mr. Lamoureux) because I know his position, I say this more to Members of the New Democratic Party—if you want one-sided FOS to prevent strikes and lockouts, the Fisons situation demonstrates that if that is your objective, then you should give the power to both, because you would have prevented a long 60-day strike, a nasty strike, a very disruptive strike. They have not agreed to that because it becomes a strikebreaking tool, which it would have been if the employer would have been able to compel it.

So the Fisons experience is exactly, I think, what the Member was alluding to in his comments. It demonstrates totally the hypocrisy in the arguments that have come forward from Members of the New Democratic Party on why we should maintain this one-sided tool. If you want to prevent strikes, if that is your objective, give the power to both sides. They are not suggesting that because if they do then they have removed the strike as an effective tool at bargaining. So either you want strikes or you do not want strikes. You want that power or you do not want it. You cannot just say, I want it when it is to my advantage, and I do not want that power when it is not to my advantage. That is what they are, in essence, saying to the Legislature.

Mr. Lamoureux: Mr. Deputy Chairperson, I guess the real question for myself is: Is FOS a good labour relations tool? As the legislation is currently drafted, I concur, and so does the Liberal Party, with the Minister in respect to the need to repeal final offer selection.

Last year we went through numerous hours of committee meetings, and heard many presenters in respect to final offer selection. I feel the representation from the individuals, from unions, from the Chamber of Commerce and so forth was very well done. We thought that we had learned something from that, and that of course is that what we need to do is have some form of a study on final offer selection.

If final offer selection can be a good tool, then we

should be proceeding ahead, I would imagine, with some type of post-mortem study to see if there is some way in which both labour and business or management can be satisfied so that the tool, if you will, can be used by either side. The Minister, on several occasions, has legitimately said that the management does not have the same leverage that the union has, and that puts them at a distinct disadvantage. I concur with that thought, but I have to wonder if we are doing what is in the best interest of Manitoba to rule out final offer selection in any form.

I refer to the amendment that the Liberal Party proposed toward the end of the last session, in which we were suggesting, through the amendment, that after the three years, and three years was taken for a reason, unlike when it was introduced—five years, and we asked ourselves where they came up with a five year sunset clause. I believe the statistic is somewhere around 96 percent of union contracts come up within three years, so you are giving virtually every union an opportunity to use final offer selection, so it seemed to make sense to have the legislation repealed after the three years.

* (1520)

At which point, to study the legislation one would suggest it would have to be an independent body. Names that have been thrown around, and I know the Minister threw his name around earlier this afternoon, that was Mr. Wally Fox-Decent. All three political parties have a deep amount of respect for the individual. I think he would have done a fine job as an independent person on a committee that would look at the pros and cons of final offer selection, and report back to this Chamber whether or not the legislation would be in Manitoba's best interest. I would suggest that he would not accept final offer selection as it currently stands, because of the obvious unevenness or slant that is apparent toward the union movement.

I do believe that at least we would have had an option. The committee could have come back and provided us an amended form of final offer selection that could have benefitted both sides. I would argue that one of the disadvantages that we have had over final offer selection, is that it has been debated on the two extremes, that there really has not been a moderate position taken on final offer selection.

I would suggest to you that if a moderate position

is what is necessary in order for Manitoba to have better labour laws, then that is what we should be moving toward. I would encourage the Minister, not just to shelve final offer selection, that it should be at least looked at, and look at the results. I understand what he says in terms of we will never really know what took place in the negotiations and the reasons why it would have been suggested from the union movement, but I do believe we can take an objective look at the Bill, or what could be possibly a good amended Bill.

If there is something out there that is acceptable then there is nothing wrong with bringing it in and all sides can be happy. I would encourage the Minister, if he is not going to have any official task force or study of the final offer selection concept, at the very least, to have the department look into it and see if there is something in it, or put it through the process, the process that the New Democrats failed to put it through.

When I sit in the Chamber and hear day after day the New Democrats talk about final offer selection one really has to question why they never put it through the process, why they never consulted other people, or other groups, or other organizations. That is somewhat unfortunate because had they done that, had they gone out and actively sought support from different business leaders, or possible the Chamber of Commerce, then we might have come up with something that would have been acceptable to both sides. That is the tragedy because that is in one sense what has caused the problem that we have before us today.

On that note I, too, like the Member for Thompson (Mr. Ashton) would like to congratulate the Minister. I have known him for the past couple of years and had always thought he would do a fine job as a Minister because I know he puts in a lot of time and effort into whatever it is that he does. Thank you, Mr. Deputy Chairperson.

Mr. Praznlk: Mr. Deputy Chairperson, I first of all would like to thank the Member for Inkster (Mr. Lamoureux) for his comments, his personal comments. The Member for Inkster and myself, but a couple of months separate our birthdays. We are both the youngest Members of our Parties in this House and two of the youngest Members of the Assembly, and also share the distinction of being two Members who began our families as MLAs and have children who are very close to the same age. I have always appreciated his comments, his advice

and his fellowship in this Chamber and I am quite delighted to have had the opportunity to have the interchanges today with him.

Although the vagaries of elections put my Party on this side of the House, and me into this chair, and he on that side of the House, one realizes that we all have roles to play. One develops personal feelings and friendships in this House, and I wish him all the best in his term of office. I look forward to our four years in this place together and both working towards that same general goal of improving the life of Manitobans, so I certainly wish him well.

His comments on final offer selection, I think he makes the observation of the Liberal Party in the last House, trying to develop a system of looking at this legislation and assessing it. I know he is certainly aware, as am I, of the difficult task in doing that. I think the Liberal Party, in trying to do that in the last Session and making those comments in the House during the debate, is playing its role, its traditional role, as an arbitrator between left and right, searching for middle ground and compromise. That is certainly part of the Liberal Party's philosophy and belief, and one has to certainly respect that.

I make the observation, the Member for Inkster (Mr. Lamoureux) has raised the point and I have to concur that final offer selection has had many things attached to it and been part of tremendous debates in this House over the last number of years. A true assessment of final offer selection, in principle. I would like to separate principle from legislation, because the principle of two sides presenting an issue to a selector, two positions on an issue to a selector in choosing, certainly is one that is used. Professional baseball has had some good positive results.

We have obviously a hybrid with one-sidedness to it and a host of issues and a host of problems. I say this as an observation, not as a matter of policy. It will probably take a year or two of cooling down before anyone really can sit down and have a look at this issue and this debate in a way that is sort of free from the politics of the day.

I would hope that academics in our community would look at doing a thorough investigation of the whole issue and the pros and cons, not just of our legislation. I am sure they will look at it in the broader sense.

I know from our department's point of view—you

know, we are always current on or try to be current on the legislative developments in other places and issues, but respect to this principle in practice in Manitoba, we have taken a position as the Member knows consistently and now are fulfilling that.

I have to respect the position of the Liberal Party and of the Member for Inkster (Mr. Lamoureux) in wanting some detailed work. Difficult work to do, difficult to do I think, a real true assessment of this legislation, but nonetheless one that certainly offers some value to future legislators.

I appreciate his comment. I thank him for his participation, and I look forward to our years ahead in this Chamber together. Thank you.

* (1530)

Mr. Deputy Chairman: No. 1. Minister's Salary \$20,600—pass.

Resolution 105: RESOLVED that there be granted to Her Majesty a sum not exceeding \$1,753,500 for Labour for the financial year ending the 31st day of March, 1991—pass.

This completes the consideration of the Estimates of the Department of Labour. Shall we call the hour four o'clock? (Agreed) Committee rise.

SUPPLY—JUSTICE

Madam Chairwoman (Louise Dacquay): Would the Committee of Supply come to order, please.

This section of the Committee of Supply has been dealing with the Estimates of the Department of Justice. We are on item 1.(b), page 121.

At this time I would invite the Minister's staff to enter the Chamber, please.

1.(b) Executive Support: (1) Salaries \$284,200.00.

Mr. Dave Chomlak (Kildonan): Just returning to a matter that we touched upon yesterday with respect to the domestic violence review, I feel compelled by virtue of the Minister's comments last night to pursue briefly further information in this regard. Comments were made with respect to my Party's position with respect to this particular review.

I can indicate we have no problem supporting the review. It would be our preferable route to have some kind of immediate action, because there are some obvious concerns that have arisen in the system that the Minister is well aware of, that we think can be worked on. Notwithstanding that,

insofar as a review has already been announced, and is proceeding, my concern is basically the breadth and the scope of this particular review. In particular, I will just point out my concerns.

Yesterday the Minister indicated in this committee that he felt they anticipated approximately 200 hours of work would be required by Ms. Pedlar to carry out the study. My concern is that the terms of reference as discussed in the news release are very broad, and I have real difficulty understanding what the objects are and what the conclusion is to be at the end of the day.

I know the Minister will probably say a better way of dealing with the system, and more sensitivity, et cetera. I am wondering, firstly, does the Minister have any objectives, any goals that he sees need to be realized for this study to be effective?

Hon. James McCrae (Minister of Justice and Attorney General): Madam Chairperson, I appreciate the seriousness of the question the Honourable Member is raising and I appreciate the non-partisan spirit in which he raises the question. I thought I should put that on the record right off the top.

He referred in the early part of his question to action that can be taken, rather than perhaps just another study, or whatever. Shortly after the tragedy in the case of Desiree Watson, a senior official of our department made it clear that in future those who breach bail conditions will be the subject of a very strong submission by the Crown to the judiciary, that people like that be held in custody if they show so little regard for court orders. That is one thing which follows into line exactly with what the Honourable Member is saying that we can do, and we have done.

Something that makes sense like that is not something we would avoid doing, using the excuse that we are waiting for a review to be completed, or something like that. So I take that point and accept it, and give the Honourable Member that example of something we have been able to do that seems to make clear sense to us and clear sense to our prosecutors. That is a policy directive that has come out as a result directly of the Desiree Watson matter.

With regard to the terms of reference of the Pedlar Review, I think I can expand a little bit for the Honourable Member. We do talk about people being treated sensitively and so on in a general sense, but then we do get into eight or nine more specific areas.

I am going from memory here because I do not have it in front of me, the press release, or any correspondence that we have between ourselves and Ms. Pedlar, but we talk about investigatory procedures, procedures taken by the police, right from the time a telephone call perhaps is received in the police offices of this province, what it is that police officers do and how they handle cases. Then we go on to talk about procedures used in the court system and interim procedures pending the processing of criminal prosecutions, for example, what services are available to victims at that very stressful time when charges are pending.

From what I have learned, it seems like a day can seem like a year if you happen to be a victim waiting for the outcome of a particular prosecution, those kinds of interim procedures. The whole issue of restraining orders—we talk about restraining orders in a generic way and it is good to be specific sometimes. We are talking about restraining orders that are part of a bail order made by a judge, but we are expanding that particular part of the mandate to include those kinds of orders that are the subject of orders made by judges in our Family Division of our Court of Queen's Bench, or those kinds of orders that flow from consent agreements between two parties to a marital dispute. That becomes an order of the court.

Too often we are told that under those family maintenance-type orders communications aspects are breached, or visitation aspects are breached, or harassment aspects are breached. We are told that the police do not deal with those types of orders in the same way as they would a bail order. So that is another aspect, the restraining order aspect.

* (1310)

I am going from memory again, Madam Chairperson, and I go from there to our Corrections system and enquire, or ask Ms. Pedlar to review and make recommendations about how we treat offenders in our jail system, in our probation system and also our victims vis-a-vis offenders who may, or may not, be in custody.

I am going from memory, as I said, so what I have attempted to do is take a typical—if there is such a thing—a typical case of abuse from beginning to end, and all of the Government departments and agencies and even private sector departments or agencies that come into contact with either the victim or the offender and ask Ms. Pedlar to review

the whole scenario from start to finish in all of those aspects.

Yes, it is broad and yet it is narrow, because—I suppose the Honourable Member and his colleague are both right. It is broad in the sense maybe the Honourable Member is referring to it, because we seem to be covering the whole ballpark of the justice system, which I thought was appropriate.

We are also narrow in the sense that we do not need a total review of the shelter system of Manitoba in this context, because we are going to be consulting shelter operators and people who deal directly with victims to get the benefit of their advice as they see our justice system operating. Goodness knows, there is frustration on the part of shelter operators, that many, many of their clients have in their hands restraining orders that do not seem to be providing them the protection that they thought that they might be provided with.

Then when we talk about it being too narrow, I think that is a reference to how we deal with issues in the Health Department or even the Education Department. I say again, goodness knows, with respect to education it would be great if we could have a broad-based education network that affected almost everybody in our province about the dangers of family violence and the emotional and physical scars that it leaves on families and on children and on people. I guess it is confined in response to the aspect of it being too narrow, or the suggestion that it is too narrow; it is confined to areas that come within the jurisdiction of my department.

The Minister of Family Services (Mr. Gilleshammer) has certainly been consulted, and he is aware of some of the issues that are out there with respect to the shelter network, and we as a Government are doing everything that we can to apply maximum resources to the shelter network so that we can provide maximum protection. That is an ongoing concern, that there be adequate funds available to deal with all of the cases that come before our shelter system.

Public education by means of the—for example, the Abuse is a Crime public message campaign that was conducted. Very, very valuable results occur and very much pressure also results, as people become more and more aware of their rights and more and more willing to seek the help that we then must ensure is there to the extent that we can make that help available.

I guess you could say it is too narrow in one sense, and it is too broad in the other sense, but I hope that what we have asked for is comprehensive enough. I feel that it is, comprehensive in the sense that it deals with pretty well every aspect of the services provided by my department. If there are improvements in the way that we do provide the services that we do out of our department then it will have been worth the effort.

Mr. Chomlak: I thank the Minister for that response. That does go a long way to helping me to understand the scope of the study, and I appreciate the response.

I am just wondering if the Minister could possibly table in the House for me, correspondence between his department and Ms. Pedlar, any aspects of it that would deal with the terms of reference and the objects of the study. I am not concerned about the other aspects of the contractual relationship between the department and Ms. Pedlar, but simply if it is possible, if he could, for information, table those aspects of the correspondence that deal with the objects and the terms of reference.

Mr. McCrae: Madam Chairperson, the correspondence is basically what the Honourable Member has before him in the press release—I say basically. I will review the correspondence again and take under advisement the Honourable Member's request, certainly with a view, if there is no particular problem, to making that available to the Honourable Member.

Mr. Chomlak: The Minister raised the point in his response that the Government—that a directive had gone out with respect to Crown attorneys making representation when an individual is on bail, to prevent the individual from being reinvolvement if a restraining order was involved. I am wondering if there is any statistical basis, or does the Minister or the Government have access on any statistical basis as to reinvolvements and to the effect, on a statistical sense, that this new initiative has had, or is it too early.

Mr. McCrae: I think I would like, Madam Chairperson, just to clarify with the Honourable Member. Is he asking—since the policy directive was made by Mr. Bruce Miller, our senior prosecutor for the Winnipeg Prosecutions, is he asking the performance since that? Is that what he is asking? If it is, it is too early for that kind of an answer.

If he is asking, basically, if we have a body of

statistical data respecting the issues of domestic violence, then I would get into responses concerning the tracking project and the new domestic violence court.

Really, it is too early for that kind of information if I am right in my interpretation of the Honourable Member's question.

Mr. Chomlak: Madam Chairperson, yes, I was asking actually both questions. I will get back to the former, and the latter I appreciate is too early.

Just on a different line then, my concern—and the reason I asked this question was because in my experience before the courts I was under the impression the Crown attorneys were advised to oppose bails in those instances, regardless, and they made fairly vigorous representations to judges. I guess I have two questions in this regard.

In what respect has the policy changed? And secondly, is the Minister aware of any other means or any other process by which the message can be translated, for lack of a better way of phrasing this, to the judges?

Mr. McCrae: Well to answer the second part first, the Honourable Member knows, maybe as well as, maybe better than I, about how you get messages to judges. You do it in the open courtroom. You make your submissions to the judge. The judge makes his or her decisions based on the evidence after listening to those submissions.

You or the Honourable Member or I may not always like the decisions the judges arrive at. Sometimes he may like them and I will not and that type of thing. Under our democratic system the judiciary is an arm of Government, a very separate arm of Government and a very independent arm, so the only way we can get our message to judges is in the courtroom and through the appeal mechanism. When we do not like what the judges do we have that open to us and that is the appropriate way to do it.

* (1320)

It does have its effect over time. Successful appeals on particular matters, for example dealing with domestic violence—if we were successfully to appeal cases more often over a certain period of time, I say successfully, then there would be a new body of law out there on how to deal with sentencing in domestic violence cases. The courts some time down the road would then be required, I suggest, to look at the cases in which harsher sentences have

been imposed. They would be required to look at those cases and make their decisions based on those.

That is my understanding of our law in our country. If I am wrong I am sure the Honourable Member can set me straight on that. That is how we deal with the judges and how the policy has changed—the first part of the Honourable Member's question—is that in the Watson case we know that an accused was indeed free under a restraining order and breached that restraining order. Horrific violence and tragedy followed. It occurs to us that as a result of that, it would be good each and every time someone breaches bail conditions in family violence issues, because we know danger can result, that we know that we ought to make strong representations to the courts in those circumstances and take positions that accused people ought to be held in custody for the protection of their partners who are the subject of these proceedings.

Mr. Chomlak: Madam Chairperson, I do not want this discussion to—I was going to say degenerate—I do not want this discussion to begin getting into legal intricacies. I guess the point I was making with respect to the other options was the appeal process. I do not recall in my legal experience if in fact I have been in a situation where a Crown attorney has appealed a bail application that was granted. I guess that was the point I was making in terms of alternatives to the Minister.

Mr. McCrae: The other option is changing the laws. The Honourable Member knows that. There has sometimes been talk of minimum sentences, and things like that. I think a lot of people will make the point that minimum sentences removes entirely the discretion that judges have. I do not want to give examples of that, but there are examples of where minimum sentences have sometimes made it even hard to proceed with charges. The Crown would even find itself proceeding with lesser charges to avoid minimum sentences. That is the one thing that I am just not too clear on what the Honourable Member was—the last point he was making. If it worth responding to maybe he might quickly put it to me again.

Mr. Chomlak: I guess the point I was making was in some instances when an individual comes up for a bail application, the bail application is granted and it is a case of violence, I do not recall from my own personal experience—and it is dangerous to

obviously go on personal experience in this area—I do not recall to any great extent the Crown appealing that particular granting of bail in instances of domestic violence by way of policy.

Mr. McCrae: I do not want to refer to specific cases and certainly ones that are ongoing, but there are cases in Manitoba ongoing before the courts right now, which would have been the subject of appeals on bails by the Crown. Yes, it does happen. I do not know with what regularity or how often, or I cannot give numbers, but I know it happens because I am involved quite often.

Mr. Paul Edwards (St. James): Madam Chairperson, I want to just briefly go back to an area that we were talking about last night about courts and the Court of Appeal in particular.

Can the Minister indicate if the Court of Appeal presently is equipped to hear a Manitoba case argued in French? What are the provisions if, in fact, the case should come up and they are not able to do it themselves?

Mr. McCrae: Yes, the court is equipped to deal—well, what does the Honourable Member mean by equipped to hear cases in French? The issue, I think, we were talking about was a Francophone member on the Court of Appeal.

I do not know that I can say that all seven of our judges are bilingual, if that is the point the Honourable Member is making. If we are referring back to the issue of a Franco-Manitoban presence on the Court of Appeal, there are judges sitting at the Court of Queen's Bench level who have a bilingual capacity, whose services can be used by the Court of Appeal.

Similarly, Court of Appeal judges can be used as pro tem judges of the Court of Queen's Bench, so that the judges can move up or down at that level. So that we do have that capacity to provide a service or a presence, a Francophone presence, on the Court of Appeal. My own opinion is that if there is a case coming before the Court of Appeal that has some bearing or impact on our Franco community in Manitoba, that would be a good time to use the services of Mr. Justice Monnin or Mr. Justice Dureault who sit on the Court of Queen's Bench.

Mr. Edwards: Madam Chairperson, it has been an issue for some, in fact, years as to the lack of any kind of recording of argument and decisions on the Court of Appeal. It was an issue which I know the Minister is aware of. We have raised it in this House

a number of times. I will simply just refresh him as to one of the problems with having the highest court in this province unable to be reported on with any solid accuracy. The Minister, knowing his past history, will probably have a special interest in this issue generally, I would expect.

One of the problems is that, as I understand it, in order to file a complaint with the Judicial Council of Canada, they virtually require a transcript. They, I believe, do not absolutely bar considering a complaint and investigating it without a transcript, but I am not aware, and as I recall at least a year or so ago when I investigated, they could not tell me that they had ever investigated a case without a transcript to go from to monitor exactly what was said. They do not like to use press reports to base their decisions and investigations of a judge on.

I wonder if the Minister can indicate, what progress is made? I recall, perhaps two years ago, the comment being made by the Minister that they were looking into it. It was suggested at the time that electronic recording devices may be appropriate, because it would not be very often that you would need transcripts, but on the occasions you did, it would be very important.

I had the opportunity to discuss this with some members of the Bench who will remain unnamed. I might say that they are obviously concerned. It is a very real concern that comments they make can be taken out of context. They do not have the ability, in essence, to defend their words, what they really said and what they really meant. A transcript gives you that security of knowing that ultimately there is a defence if something is taken out of context.

I wonder if the Minister might indicate, what progress has been made and if a decision has been made?

Mr. McCrae: I suppose there is a question as to whether we are under the right appropriation here. I do not really mind. I do not really mind if the Honourable Member wants to ask a question under this one, but it is probably better discussed somewhere else.

Yes, the issue of recording of proceedings in the Court of Appeal has been looked at over some period of time. It is true. Actually implementing that could be done very quickly. It is not a question of taking a long time to do it, it is a question of making the decision to do it.

The Court of Appeal has a—and it will be

interesting to know which level of court the Honourable Member was talking to when he tells me that he has been discussing this with judges, and it has been a concern of theirs. I wonder what kind of concern, too.

Anyway, the point is we have a new Chief Justice who took office. He was sworn in near the end of the election campaign, as a matter of fact. I have had several meetings with the new Chief Justice, and several encounters with him at various events that I have attended. I think that his appointment has been greeted with quite a good level of enthusiasm and approbation by the legal community and by many, many others.

* (1330)

That is one of the items that is on my agenda for discussion with the new Chief Justice for a report from him on how he feels about that too. These kinds of things—I suppose I could unilaterally move in there and turn on my tape machine. I would prefer to do it through a sort of consultation rather than moving too heavily forward.

So that I will undertake, to the Honourable Member, to discuss this matter again with the Chief Justice in the near future.

Mr. Chomlak: Madam Chairperson, I just have one final series of questions in this area. I am assuming, given the comments of the Minister yesterday, that this is the appropriate area.

Does the Government maintain a list of law firms and/or lawyers that it utilizes in outside legal services?

Mr. McCrae: Depending on the particular discipline we are talking about, whether it be Child and Family Services or some kind of civil litigation of one kind or another, yes, the Legal Services branch of the department does have a list of legal counsel upon whom it can call, depending on the nature of the requirements of the Government.

Mr. Chomlak: Can the Minister indicate what the process is in order for a firm to be placed on this particular list and how a firm comes to be added to this list, just in general?

Mr. McCrae: I will answer briefly. The Acting Deputy Minister responsible for our Justice division will be here when we get to that appropriation. I will qualify whatever I say by saying, I reserve the right to enlarge or change my comments depending on what advice I get a little later on, but the choices are

made by that particular person, the Assistant Deputy Minister, and are based on who is best qualified to do the kind of work that we need in terms of merit and ability and excellence. It depends on the work. If that particular Assistant Deputy Minister requires the services of a certain type of individual, that is the type of individual that would be brought in to assist us. The Honourable Member knows well that some lawyers are better at some things than other lawyers depending on the issue that is before us.

Mr. Chomiak: Madam Chairperson, I am actually interested in pursuing a line of questioning in this regard so I presume that I should probably do it when the Assistant Deputy Minister is here. The Minister is nodding his head, and I will do that.

My final question in this area then is—again it might not be the appropriate area and of course I am sure the Minister will advise me of such—does the Government have a list for the past fiscal year that would indicate which law firms work has gone to from the Government centrally, and how much that work is?

Mr. McCrae: That information is available to the Honourable Member by virtue of the requirement to report on the untendered contracts under The Freedom of Information Act, and also through the listing of the public accounts.

Mr. Chomiak: Does the Minister have a list which he would be prepared to table?

Mr. McCrae: I do not see one, Madam Chairperson.

Mr. Chomiak: I am sorry I missed the answer.

Mr. McCrae: I do not have one here, no.

Mr. Chomiak: Would the Minister be prepared to table it at some future convenient point?

Mr. McCrae: I think we can undertake to make that information available to the Honourable Member.

Madam Chairperson: Item 1.(b) Executive Support: (1) Salaries \$284,200—pass; 1.(b)(2) Other Expenditures \$72,900—pass.

Item 1.(c) Research and Development.

Mr. Edwards: Madam Chairperson, I recall in 1988 that the Minister tabled a list of research projects presently being undertaken by this branch. I wonder if he would be prepared to do that again this year.

Mr. McCrae: I have a list here for the Honourable Member and the Honourable Member for Kildonan.

Mr. Edwards: Madam Chairperson, thank you to

the Minister for tabling this document. I look forward to looking at it. He will appreciate I have not seen it yet, but I wonder if he can indicate whether or not his department has looked at all at the economic litigation program that has been implemented in B.C. on a pilot-project basis?

As he may be aware, that is quite an innovative program. It is an expansion in the sense of the small claims idea, although they have retained the Small Claims Court, but they have taken a limit, I believe of \$20,000, perhaps \$25,000, and offered a streamlined trial procedure whereby all of the discovery procedures in our new rules, which as I have said, are very, very useful and very good rules when you have a case that can support a full-blown trial with the full discoveries. Where you have cases—and the limit that has been set in B.C. on an experimental basis is \$20,000 or \$25,000, those costs become overbearing and in fact become, in many cases, unfortunately the cause, the impetus for settlement. They determine the terms of settlement, obviously.

I wonder if the Minister and the Research and Development branch have looked at all at that program and are aware of it, and what they think of it?

Mr. McCrae: I do not know if our Acting Assistant Deputy Minister responsible for Legal Services can expand about what he knows about that, but I think it is fair to say the Research and Development branch have not taken that on as a project in this fiscal year or done any research on that.

Mr. Edwards: I wonder if the Minister could perhaps undertake, through his department, to take a look at that program. As I say, it is at the experimental stage, the pilot-project stage in B.C. It is an opportune time, I would think, to be in contact with the Attorney General of British Columbia in that it is certainly my experience—and I am sure the Minister will find the same conclusions if he asks the questions—that is the type of bold initiative that is needed in the civil system to ensure that people get their day in court. Getting your day in court is essential to the credibility of the system.

* (1340)

I recall attending at the Elkhorn ranch, the first speech I believe this Minister ever gave as Minister of Justice. He indicated at that time that he wanted the hallmark of his tenure as Minister to be access to justice. Indeed, we saw some progress done both

at the Land Titles and in the Provincial Court with respect to the backlog.

I would suggest that another very, very important challenge ahead of him and ahead of this Government will be to open up access to the civil courts, not in terms of delays or backlogs because that is not a particular problem, but in terms of access because of lack of funds. Of course, Legal Aid cannot be expected to cover civil cases, and they very rarely do. I certainly do not advocate that.

What I am suggesting is that there may perhaps be some room for a streamlined process under a certain dollar amount whereby a Queen's Bench judge could adjudicate. That is, a judge trained in the law and experienced in the law, could adjudicate on these cases. Yet all of the accoutrements of the pretrial discovery may not be necessary, may not be warranted, given the size of the claim.

Mr. McCrae: The Honourable Member—I am sure, if we have not already done so, which I suspect somebody in our department will know what has been going on in regard to the question the Honourable Member asks—raises, though, the issue of access to justice. I agree with him that we should do everything we can to make our justice system people-friendly.

Indeed we did make promises in the 1988 campaign and delivered on that promise, with regard to changes in our small claims system. We unified the Family Court of the Court of Queen's Bench across the province, expanded it province-wide. We are now into the implementation of the domestic violence court.

We have allowed for non-lawyers to represent people in our court system, in regard to Highway Traffic Act cases. I can tell the Honourable Member that program is working quite well. I have asked for a report and received a report that there are no major glitches or wrinkles in regard to that particular program.

We have improved the land titles system here in the City of Winnipeg, and we are presently implementing our hearing officer program at the Remand Centre, about which the Honourable Member has been mildly critical but agrees with that approach.

So it is not like we have done nothing, in regard to improving access to justice, but the Honourable Member -(interjection)- I know the Member did not say that.

The question raised by the Honourable Member is indeed a matter that we can ask—if that is the appropriate place to have it done—our Research and Development division to look at. However, it is not a huge division, of our Government, or branch.

We have only so many resources. We are dealing with some very important things already with our Planning branch. Certainly the Honourable Member's question is useful and something that we can take under advisement. Perhaps we will get to the point where we can make major improvements to that aspect of our justice system as well.

Mr. Edwards: Madam Chairperson, I appreciate the response from the Minister. My only point was that this type of an initiative would be consistent with the statements he made at the beginning of his tenure, which I certainly agreed with.

The other thing I might suggest is that I know there is a continuing committee of members of the Bar, as well as judges, constantly looking at the new rules. That might also be a venue which might respond to an invitation to take a look at this and find out from their counterparts in British Columbia how it is going.

With respect to No. 12 on the list, which we have been handed, the project listing, the law enforcement services, Law Enforcement Review Agency and Manitoba Police Commission review, I am on the understanding that there was in fact an internal report done and submitted to the Minister some time ago, perhaps even a year ago, concerning the Law Enforcement Review Agency and the Manitoba Police Commission.

Can the Minister indicate whether or not he has in fact received a report and if there are any amendments proposed to the two governing Acts, with respect to LERA and the Police Commission?

Mr. McCrae: There was indeed some while back—I cannot remember exactly how long ago—talk of suggested changes to The Law Enforcement Review Agency Act. There was comment on both sides. There was, as a matter of fact, disagreement about things like having the penalties decided on before the verdict kind of thing, the issue of the standard of proof required at the LERA, and some of those kinds of issues which were quite controversial, as a matter of fact.

At that time with the very, very heavy burden of legislation that we were bringing forward—I think that last Session my department brought forward about 26 pieces of legislation and put them through

the House, so we were pretty busy with legislation. The issues raised by the Honourable Member were and, I think, still are controversial.

In that situation Governments have to make some pretty hard decisions. At that time I remember saying, you know if both the interest groups on each side, the police on the one side and the others on the other side, have contrasting views about what we are doing here, and all the while we are mediating all kinds of disputes and settling them without resort to formal hearings and that type of thing, we were still making some progress. But that sometimes is not such a bad thing, if you have some people unhappy on both sides. We know we cannot please everybody, and we take that as a given at the very beginning. In any event, we do have a review going on of our Law Enforcement services, LERA, and the police commission. I think we can be assisted by that review as well.

In the context of recent issues related to reviews of investigations of the use of deadly force and the whole Aboriginal Justice Inquiry report, which is coming to us fairly soon, I would not want to come out and make too many policy statements prior to the receipt of the report of the Aboriginal Justice Inquiry because there again, we, as a department, I think are doing what we should be doing.

That is to put together a multidisciplinary committee to review a number of the issues surrounding Aboriginal Justice Inquiry issues in an attempt to anticipate, if you like, what kinds of things might be coming forward in that report, so we can be timely in our response to the Aboriginal Justice Inquiry.

I think that all of these issues related to Law Enforcement, LERA, police commission, ought not to be acted upon until we have received the Aboriginal Justice Inquiry report, but that does not mean we should not be doing some work on them. That is what we are doing.

Mr. Edwards: I wonder if the Minister could give us a progress report on the negotiations with respect to the new RCMP policing contract? I see that listed as a duty of this branch and something they have undertaken. Maybe he could also indicate in particular if the Province of British Columbia is still leading those negotiations for the other provinces, as I understand they were at least as that last year?

* (1350)

Mr. McCrae: This is an extremely important

question the Honourable Member raises and an extremely important matter to our department, our Government and all of the people of Manitoba.

Two weeks ago, I was in Vancouver attending a meeting of Ministers responsible for policing from the eight contracting provinces and two contracting territories to discuss this issue. We frankly have come up against some federal intransigence that we do not appreciate very much. That is putting it about as bluntly as I can.

There are very, very important issues involved with the renewal of a contract which was last renewed back in 1981 and comes up for renewal at the end of March of 1991. There are about 21 issues under negotiation, shall we say. I think the most important one is that share of the ratio that the provinces pay and the federal Government pays.

Presently, it is a ratio of 70 percent paid for by the provinces and 30 percent by the federal Government. That was increased in 1981. We cannot just blame this present federal Government because the previous one took the same attitude back in '81 and increased the ratio from 54-46 at that time, so you can see which direction the federal Government of both stripes is taking here.

They want to move now and they are quite firm on this one. They want to move now to a 25 percent share for the federal Government instead of the present 30 and we do not think that is fair. We do not think that is right. We have not been convinced that there has been any particular change in the benefit the federal Government receives from the policing contract, so that why therefore should we be agreeing to pay more. We see it as just strictly a pulling back from what has been a traditional federal share and nothing else having changed.

Cost-base items are a very important part of all of this. Those are items dealing with accommodations, cars, equipment, and uniforms and all of those kinds of things.

The other major one that is important to Attorneys General and Solicitors General across the country is the issue of accountability. If the RCMP are going to go to certain expenses and we have to pay the bill for it, we would sort of like to be involved a little more than we have been previously. I do not think we can just give the RCMP carte blanche. I mean, we have an excellent working relationship with the RCMP in Manitoba. We have a very, very fine

Assistant Commissioner in the person of Dale Henry and that is all going great.

I believe the Manitoba RCMP is distinguishing itself in comparison even to other jurisdictions in Canada, so I say that up front. At the same time, when the taxpayers of Manitoba are footing a large part of the bill and we, as the elected representatives, and I, as the Attorney General, have to answer to people like the Honourable Member for St. James (Mr. Edwards) about how the money is getting spent, I think it is important that we have some further say in terms of accountability of the RCMP and in terms of the finances that are being used.

Those are three key issues, the accountability, the cost-base items and the share, the ratio. There are quite a number of others which are not really the subject of much in the way of disagreement, but when it comes down to this ratio business, there is a real sticking point and we are finding that we are just not getting very far.

We met in Vancouver to discuss how we might deal with this and we are attempting through various means, including discussing it in our Legislatures as I am doing right now, and discussing it with municipal people and with our federal friends, counterparts, if that is what we call them, to try to bring pressure on the federal Cabinet to recognize that you cannot just say "take it or leave it" in this day and age. It does not work that way.

They have deficit and debt problems in Ottawa and we certainly recognize that and to a reasonable extent we are prepared to understand that some tough decisions are going to be required, but just offloading the expenses on us is not right. We have deficit and debt problems too, and I suspect other provinces have the same problems. So it is just strictly a question of what is the right thing to do here.

March 31 is going to come and we have been working extremely hard—this branch, my Deputy Minister and a number of others in the department, and other departments are involved as well. Do not forget the municipalities are affected very significantly by all of this.

That is a nutshell description of just what the issues are and we have had very good work being done for us by our Planning and Development branch in assisting us to get through all of these difficulties.

B.C. is the lead in our discussions. Russell Fraser

is the Attorney General for B.C. and he and Paul Dicks, the Attorney General for Newfoundland, will be meeting in January with Mr. Cadieux, the federal Minister, and we wish them well in their meeting with Mr. Cadieux.

Mr. Chomlak: Madam Chairman, my next series of questions will be dealing specifically with the list of projects that the Minister has provided to both critics in this area.

My first general question is, is this an all-inclusive list, that is, does it include all of the studies and projects undertaken by this branch of the Justice Department?

Mr. McCrae: For this current year it is, yes.

Mr. Chomlak: Madam Chairperson, with respect to the Shamattawa project, can the Minister indicate for me what the—I realize it is a three-year project—the time frame is on this particular project, that is, when it commenced and when it is expected to be completed?

Mr. McCrae: This project, I am advised, was started in 1989. It is a three-year program so it has another two years to go. It has a focus on solvent abuse and our part in this is basically a monitoring role. It is a federal project.

Mr. Chomlak: Madam Chairperson, I just want to comment with respect to subject No. 4, the departmental working group. I actually did have a series of questions relating to the Aboriginal Justice Inquiry as to the co-ordination of various Government departments and follow-up, and anticipated action with respect to the Aboriginal Justice report and I am quite pleased to see that such a mechanism is in place. Can the Minister indicate when this mechanism was put in place and generally what he sees as the purpose of this particular group?

Mr. McCrae: I thank the Honourable Member for waiting for me to consult with my officials.

The initiative was put together, not too long after our new Deputy Minister joined our department, and that was about April or May when they actually began with their work. It is composed of a committee of Assistant Deputy Ministers, including those responsible for Corrections, Prosecutions, Finance, obviously, the Courts division and Legal Services representing also Legal Aid. Their work is to examine the issues that it is felt that the Aboriginal Justice Inquiry is examining, to keep each other and ultimately the department, the Minister, briefed on

the kinds of issues that are being dealt with by the Aboriginal Justice Inquiry.

Mr. Chomlak: I am wondering if any thought has been given to not just an "intra" departmental committee but a "inter" departmental committee in this particular area, if there is one in place, or if it is anticipated that one might be put in place in this regard. It seems to me that a lot of the issues do cover far more than just justice, notwithstanding that it is a justice inquiry, and that a lot of the issues may be far encompassing.

Mr. McCrae: Here again, we could almost get into a discussion of broad and narrow. Obviously, if we thought we could by one review or one exercise solve every problem that there is out there with respect to aboriginal people in our society, we would have an unmanageable project on our hands as a Justice Department.

* (1400)

It is an Aboriginal Justice Inquiry. However, I say to the Honourable Member that as a resource person, as a person with whom we consult, we do have someone from the Native Affairs Secretariat of my colleague, the Honourable Minister of Northern Affairs (Mr. Downey), at our disposal, coming to our assistance to advise us and help us on how justice issues interact in regard to social services or other areas.

We have to give this thing some kind of parameters, and I think the commissioners of the inquiry have parameters that they are working within, too. I suppose you could say that any time there is a crime committed, there is a whole societal, socioeconomic discussion that you could have about it, and what caused this and so on. Certainly it is an Aboriginal Justice Inquiry, and the focus of the committee is the justice focus. Certainly, as justice issues impact on social and other areas, we do have the benefit of that kind of advice.

Mr. Chomlak: Just in response to those comments, it is my impression that in early spring when the report is rendered, we are going to be faced with a number of major, major issues and a number of concerns that will be expressed, and this is not prejudging the results. It would seem to be me even from an administrative standpoint that a mechanism in place, an interdepartmental mechanism in place, might be a good idea. It is simply a suggestion on my part to the Minister and to the department, given

my impression of the wide-ranging issues involved and the possible impact of the Justice Inquiry.

Mr. McCrae: I appreciate the comments, but I think it is fair to say that is why we have a Native Justice Secretariat in our Government to keep our Government informed of issues and to keep Native groups, individuals, and others informed of what Government is doing too.

I do not disagree with the Honourable Member at all in that sense, but certainly in order to make something work there has to be some kind of a focus too.

We would all like just to see all of the injustices and all of the wrongs righted as quickly as possible, there is no question about that.

I think we will be judged on the basis of how we do handle the Aboriginal Justice Inquiry Report, and we know that, we recognize that. We want to take actions that are going to be meaningful, and that is why this Government has supported the Aboriginal Justice Inquiry to the extent that it has.

I remind the Honourable Member of how the inquiry got started, and what happened when the election of 1988 intervened. We took that issue and carried it forward. It had already begun in its very rudimentary stages, but we got on with that job. We funded the inquiry. We funded people to come to the inquiry, and we have been continuing to work with the inquiry to ensure that its job gets done well.

Having done all that, we are obviously not going to ignore its recommendations. We will be taking that report very seriously. It is pretty hard to speak about it in much detail in the vacuum that we have pending the report's delivery to our office, and we will certainly know more about it when we get it.

We will, of course, be judged on our performance after the receipt of that report, and we are willing to be judged in that way.

Mr. Chomlak: I can indicate that my colleagues and I will be pursuing, obviously, more questions in regard to the Aboriginal Justice Inquiry at the appropriate time in this Estimates process.

I will just move on to No. 5 on the project listing. I am wondering what the status of this project is, and if it is complete, whether or not the profile can be tabled in this Chamber?

Mr. McCrae: It is one of those work-in-process cases. Corrections department asked for it, and it is not finished. The same person working on this one

is working on some other very, very significant matters so that it is work-in-process at this point.

Mr. Chomiak: I assume that when the project is complete that there will be no difficulty in our obtaining a copy of the results?

Mr. McCrae: It would not be very wise of me to comment at all on the Honourable Member's comment.

Mr. Chomiak: Moving on to project 6, this is a committee to establish the feasibility of establishing a family violence court. I am wondering if the Minister can indicate for me how this relates to the family violence court the Minister announced I believe it was in the summertime?

Mr. McCrae: The court that we have implemented, or are in the process of implementing, that implementation began on October 17 or 18. It was first referred to during the election campaign by the Premier Mr. Filmon) of our province. He knew what he was talking about, because the work had already been done and the domestic violence court flows from the work done here and elsewhere.

Mr. Chomiak: Madam Chairperson, I take it therefore, that a study was conducted prior to the implementation of the court itself.

Mr. McCrae: That is correct. You cannot just snap your fingers and all of a sudden the court appears.

Mr. Chomiak: I can indicate for the Minister in the other department for which I have critic responsibilities, that seems to happen on a common basis. Can the Minister table—first of all, has that report been made public, and if it has not, will the Minister table it for us?

Mr. McCrae: I would like the Honourable Member to understand that this is an internal departmental function that we do plan. We do develop things and the reports that are made available are made available for departmental people like ADMs and Deputy Ministers, sometimes the Minister. They are internal and they are part of the development of policy; they are not routinely made available to the public.

Mr. Chomiak: I would have thought that given that this matter is in effect a fait accompli, that there would be no difficulty in obtaining a copy of the study.

* (1410)

Mr. McCrae: I hear what the Honourable Member is saying. This has come up before actually, that

requests have been made for documents. Some documents are made available, some are not. Some are made available through Freedom of Information, some are not, depending on which items are exempt and so on.

I am not an expert on what is in The Freedom of Information Act, but I do understand that internal working documents that are used in the development of Government policy are not something that are required to be made public. It is not always in the public interest to make them public anyway.

I hope that whatever it says in the papers put out by the Planning and Development branch about the family violence court, I hope that the family violence court is going to achieve the goals that we have talked about, that being to make our justice system more sensitive and make our justice system more appropriately respond to domestic violence issues. That is the bottom line for me.

Mr. Chomiak: I do not disagree at all with the statements or comments of the Minister in this regard. I do find it a little surprising that, I detect a slight degree of defensiveness in terms of release of this document, which, of course, because I am a politician, then provides for me further initiatives to probe in order to determine why the study should not be released, particularly as the Minister indicated when the policy announcement for the establishment of this particular court came about during a particular period of time in which we were otherwise engaged.

Mr. McCrae: I think it is safe to say I do not feel defensive. If I sound defensive that is the Honourable Member's interpretation I guess. I do not feel defensive about this, because I do not propose to make other working documents available to the Honourable Member either, and I do not even know which ones he might ask me about.

I do not propose to make internal working documents available to the Honourable Member, and it is not because I do not like the Honourable Member. It is not because I am defensive or anything like that. It is because the way things work are that this type of work done by our internal departmental planning division is internal departmentally. They help us as we prepare to unveil new policy initiatives or to take new directions as Government. That is what it is all about.

Some things are public. Some things are not. I

mean the Dewar review on ticketgate. We made that public. That was a decision we made to go ahead. I do not know if I would have been required to in any event, and I do not care. We made that public. We make other things public. Sometimes they are embarrassing to us and we make them public, because the one thing about the Department of Justice, or at least the Minister in this case, I am never too reluctant to admit that yes, there are weaknesses in our system. We are working to correct them, and those weaknesses may appear as a result of the Aboriginal Justice Inquiry, a very, very public initiative. Who knows what kinds of things are going to come out of that, but we have to pull together and deal with those things.

In terms of working papers like this, I do not see why I need to stray from the policy that has been followed traditionally by the Government that the Honourable Member supported before we came along and by other Governments.

Mr. Chomiak: Madam Chairperson, I guess I do have a problem when we get into these areas where the Minister is in a position, in a discretionary sense, of making something public and of not making something public. If this was a particularly sensitive political area, I could perhaps understand. If there were ramifications on the effect this might have on individuals, I could understand, but this is a study to establish a court. It is of interest to all members of the public. The Justice Department is not just the Minister's Justice Department. The Justice Department, I am sure he will recognize and will admit, is the Justice Department for all of the citizens of Manitoba.

There is a study that the Minister has admitted was done about a family violence court. A family violence court was set up and is now operational. I am simply asking if the Minister will provide the document, presumably the basis or one of the reasons, as to why the Government determined when it did to set up a court of this kind.

Mr. McCrae: If it will help the Member get on to his next line of questioning, no, I will not make the thing available to the Honourable Member, if that helps. The other point though is, this court was established through some fairly wide consultation with people who know more about domestic violence issues than I do and have many good pieces of advice to offer Crown prosecutors, judges and other court people. We are not working alone in this thing either. I do not suppose all of those groups and agencies

are going to make available all their internal working papers to me. I think that is fair and just a normal course of doing business. The answer to the Honourable Member is no.

Mr. Chomiak: Madam Chairperson, in light of the rather definitive response of the Minister I am going to pursue other avenues under this particular subject area.

Firstly, is there now an ongoing departmental committee involved in the family violence court? Is this a fait accompli, because the way it now reads, there is a committee that has been established and is ongoing?

Mr. McCrae: If I may, I will read from a written response. An implementation committee has been formed to oversee the project. The committee membership would be composed of the existing management committee that has developed the proposal for the family violence court. Membership on the committee is as follows: the Chief Provincial Court Judge, the Provincial Court Judge who presides over, I guess, the current spouse abuse trial court, the Assistant Deputy Minister for Public Prosecutions, that is Mr. Whitley. The judge I referred to is Judge Ron Meyers. The Assistant Deputy Minister for Courts, that is Mr. Marvin Bruce. The Director of Public Prosecutions, Winnipeg, that would be Mr. Bruce Miller. The Associate Director for Corrections and the Women's Directorate of the department of the Minister responsible for the Status of Women.

Research and Development of my department is assisting the committee in developing the proposal for the family violence court. That is something that—we are already there.

Mr. Chomiak: Madam Chairperson, so I take it the committee is now no longer functioning?

Mr. McCrae: I do not think it is fair to say that the committee has been abolished, because there is still a monitoring aspect of this and no doubt an evaluation aspect, so that we can make judgments about whether any fine tuning is required and all of that. So I think it would be unfair or unsafe to suggest that this thing is abandoned, abolished because, as I have made known already, this family violence court is not fully operational yet.

I mean, we are still hearing cases of domestic violence outside the domestic violence court. We can only say that it is fully functional and operational when all domestic violence cases in the catchment

area we are talking about are being heard by that particular court. So we are not saying that it is a finished project, but it is up and running and hearing cases.

As we pull more of the cases in, ultimately we will pull all of them in, and then we can say the project is complete. Even then, we are going to watch it carefully to see that it is achieving the goals and objectives that we want it to achieve which are basically two things, a more sensitive way of dealing with victims of domestic violence and No. 2, making sure that it is done quickly, more quickly than under the other system.

* (1420)

Mr. Chomlak: Madam Chairperson, the Minister anticipated my next question, which was the evaluation system. Then I assume therefore, the ongoing committee will provide input back to the Minister in terms of improvements and variations as we go along? That is a correct observation?

Mr. McCrae: Of course, we are very interested in this as an initiative. We want to make sure it works as best it possibly can with the resources that we put to the task so that, obviously, its evaluation is going to be a necessary and an important part of the whole project.

Mr. Chomlak: Madam Chairperson, I will leave my specific questions on the family violence court. I presume I should leave my questions on the family violence court to the appropriate point in the Estimates process, so I will move on to the project seven in the listing. The written description here indicates that the project phases are contingent upon outside funding. How else can I put it, but how is the funding going, Mr. Minister?

Mr. McCrae: Here is one of these cases where, when we are busily criticizing the federal Government all the time for all of their shortcomings, which there are sometimes more than we would like to have, the federal Government has been excellent in dealing with us on issues related to domestic violence.

I had the privilege and the pleasure, I guess it was last week, to have visit with me in my office the Honourable Mary Collins, Minister responsible for the Status of Women, federally. We discussed the various areas that the federal Government is assisting us.

The largest share of the cost of the domestic violence tracking project, which I go around talking

about all the time, comes to us from the federal Government. We are pleased about that. We are pleased about the approach they are taking, in this particular area. The commitment is there on the part of our Government as well to fund it. The majority of the funding for this project is federal money.

Mr. Chomlak: I take it then, is the future of the project imperiled because we are waiting a response from the federal Government with respect to funding, or are there negotiations taking place with anticipated positive results?

Mr. McCrae: I would not want the Honourable Member to be misled into thinking that this project is one that gets started and then just stays in effect forever, because it does not. It has a specific purpose, and I believe it is about a two-year project.

We are satisfied, and we are very confident about the funding for it. I do not want him to misunderstand and think that it is a project that is going to last forever, because it is not even intended to in the first place.

Mr. Chomlak: I take it from the Minister's response that the project—and I am not trying to make a political point here. I am just assuming that the project will be completed and will be adequately funded—the Minister is indicating positive.

I have not seen any statistics in this particular area. Is it possible—now it may be that statistics have been forwarded to us in this area—to get a look at the statistics in this area or at least a precis or a brief analysis of what the trend lines are in this particular project?

Mr. McCrae: I think when we come to the end of this project and it has done its work I will be able to, but I cannot today. That is the purpose of getting into the program, so that we can put together that kind of statistical base.

That is the problem we have. That is why we are embarking on the program.

Mr. Chomlak: Moving on to No. 8 in the project listing. Can the Minister provide me with just a brief description as to what the Access Assistance Program consists of?

Mr. McCrae: I am going to have to ask the Honourable Member to bear with me, because I am going from memory a little bit here.

It was our first Session after the 1988 election that we brought in legislation dealing with the Access Assistance Program, and then we put the program

into effect. It was a pilot project I believe as well, a three-year demonstration program. It provides legal assistance and provides mediation assistance in assisting families who are in conflict to come together long enough and at least talk about what is best for the children.

The idea is, where it is appropriate and where abuse is not an issue, for children to have the benefit of being parented by both their parents. One parent is generally the one that has custody and the other parent has perhaps certain rights of visitation and access, as it is called.

Sometimes things do not work out very well when people are in conflict, and the losers are the kids. This is what this program is about. It is to help "access" parents, those who are given access by the courts, to exercise their rights of access. If it cannot be done by mediation then it can be done through legal channels, and that is what the program does. It provides that kind of assistance for the ultimate benefit of the children.

Mr. Chomlak: I find the goals very laudable, and I am very pleased with that particular initiative. I do not understand why this program is listed under Research and Development projects in this branch. If it is a program in effect, presumably this branch would not be carrying out the program. Is this an assessment or an analysis of the program? Why is it listed here?

Mr. McCrae: This is a monitoring of the program by the Research and Development Branch.

If I may add on, Madam Chairman, the Research and Development Branch is not doing the project. It just is a monitoring of the project, which is true in many of these cases.

Mr. Chomlak: Then to use the common parlance, I just want to ask the Minister, how is it going?

Mr. McCrae: I would feel better about answering that one when we get to the Family Law Branch, but very quickly, the indications are positive. We will get maybe into more detail later.

* (1430)

Mr. Chomlak: I think the only other matter is No. 11, since the other matters have been discussed somewhat by the Member for St. James (Mr. Edwards) and the Minister. Is this a study being undertaken by the department, that is the Evaluation of the Provincial Remand Centre Magistrate's Project, a study to determine whether or not these

five new positions are needed, or is this a study just to determine how it is best to be done? Could you just give me a little more information about that project?

Mr. McCrae: We are going to be in a better position to talk about it when we get to the Courts division for this one, but, here again, the Planning and Development Branch role here is a monitoring role again.

Mr. Chomlak: Madam Chairperson, just turning to the documentation for the Supplementary Estimates, page 24, I note that the total expenditures are down considerably. I am just wondering if the Minister can delineate for me the—the notes indicate, incidentally, that the reduction is due to the completion of the Meech Lake Hearings. I am just curious as to what the Supplies and Services were last year that approximated \$200,000 that are now down to \$56,000, and the Other Expenditures that were \$255,000 that are now \$110,000.00.

Mr. McCrae: The expenses associated with the Meech Lake Hearings account for the numbers that the Honourable Member is talking about. I think when he refers to Supplies and Services, and the reduction there, and then the reduction in Total Expenditures, the reduction in Total Expenditures is basically Supplies and Services. Now those Supplies and Services have to do with travel costs, with meeting rooms and duplication services and things like coffee and, perhaps, things like the babysitting, day care service that was provided, and the translation. I am not absolutely sure about those last two, but the costs of the Meech Lake Task Force Hearings had to come from somewhere and this is where they came from.

Mr. Chomlak: When I was reviewing the Supplementary Estimates, Madam Chairperson, it occurred to me that this federation, I am certain, will be into some sort of constitutional process. Of course, we will have hearings, or some sort of constitutional process was announced in the Speech from the Throne. I am wondering if there is anything that has been built into this department's budget to account for that process—I should say, this branch's budget.

Mr. McCrae: I am advised that the cost for the next round of constitutional task force discussions are not something you will find in these Estimates, so that if funds cannot be found from within various

appropriations in my department or perhaps elsewhere, then you know you always have to look at the possibility of some kind of supplementary funding arrangements. As I understand it, from advice given to me, there is nothing in these Estimates to be applied to the costs of further constitutional hearings.

Mr. Chomiak: Just one final question in this regard. Would this be the sum total expense by the department? I realize there are staff years involved, but would this be the sum total expense with respect to the hearings in this particular portion of the Estimates?

Mr. McCrae: If I understand the question right, I think the answer is no. I mean, Mr. Binx Remnant, the Clerk of the Legislature played quite an important role in the Meech Lake Task Force and you do not see his salary on this page. Vic Toews, our Director of Constitutional Law, was involved in advice and services provided to the task force and his salary costs would be contained under Constitutional Law. That is basically the answer to that one.

Mr. Chomiak: That is why I indicated taking into account the staff years that had been seconded and allocated, et cetera. So generally the expenses here are the out-of-pocket expenses not dealing with staff years. This is virtually the sum total from this department for the task force hearings?

Mr. McCrae: Whatever contribution my department made exclusive of Mr. Toews' services I would think would be found on this page.

Mr. James Carr (Crescentwood): I am glad to participate in however small a way into a discussion of these Estimates, filling in for the critic who will be back shortly, I am told.

Again, I apologize if I am asking questions which have already been answered before. I presume that the line of supply and services of reference 04-1C refers to all of the out-of-pocket expenses of the Meech Lake Task Force. How much of that figure would be the cost of hiring a chairperson and his staff? Could the Minister break that down for us?

Mr. McCrae: Subject to correction, we believe that Professor Fox-Decent's per diem or however he was paid comes out of this appropriation right here. It might be useful if the Honourable Member wants to pursue this, then he might want to remind me outside the House, and we can confirm that for him.

My understanding is as I have stated it, but I could

be wrong on that one. I am not totally clear on that today, but that information is something that can be shared with the Honourable Member if he wants it.

If he is asking for that undertaking I will put it on the record now, and then we will go through these Estimates. The Deputy Minister's office goes through these Estimates and pulls out all the undertakings, so that we can get back to Honourable Members. I think this is the first one, and that is information I will get for the Honourable Member.

Mr. Carr: I am, and thank you to the Minister. I am also interested in exploring the expenses which are anticipated for the second round of constitutional talks through the hearing process. I believe I heard the Minister say they would not be within these Estimates, that there perhaps would be some kind of interim monies that would be forthcoming.

The Premier (Mr. Filmon) has expanded the mandate of the task force, which has yet to be established. It was originally to deal with the issue of senate reform. Since the Meech Lake Task Force was unable to make particular recommendations in that regard, the Premier had followed the recommendation of the Fox-Decent task force which was to have another round of hearings to consult Manitobans on their view of senate reform.

Now, however, in the wake of the failure of Meech Lake, and the composition of the Spicer Commission and other changes to the environment in the country, we are now anticipating a process which is somewhat more fulsome and perhaps more expensive.

* (1440)

Can the Minister shed any light on the anticipated expense of the task force, whether or not, as was the case with the first round, that staff from his department would be resourced to the committee, does he anticipate that there will be the hiring of outside expertise? Does he anticipate that the task force will travel around the province? Just what kinds of expenses does he think will be associated with what should be a rather substantial effort of time and energy?

Mr. McCrae: I am not able to answer those questions, but I will refer them by noting on the record the fact that the questions have risen, and I will refer them to the Executive Council office or the Premier's Office to get a response for the Honourable Member.

As far as the mandate and the timetabling and all of those things, and expenses, and where those expenses are going to come from, I did not come here today prepared to shed much light on that for the Honourable Member, but I will volunteer to make as much information as I can make available to the Honourable Member by asking others.

Madam Chairman: Item 1.(c) Research and Development: (1) Salaries \$162,100—(pass); 1.(c)(2) Other Expenditures \$110,600—(pass).

Item 1.(d) Financial and Administrative Services.

Mr. Chomiak: I believe this is the area that the Minister directed I should ask this question yesterday when I broached him about where this specific question should be asked. I have already provided the Minister not only with preliminary indication I would be asking this question, but I believe we discussed it privately, and I believe I forwarded a letter to him.

In short, the question is, there is a study that has been undertaken, with respect to the Brandon courthouse, and I am wondering if the Minister, given the fact that it is a study dealing with environment structure, and should be completely non-political, would be prepared to table that study?

Mr. McCrae: I think this question is more appropriately put to the Department of Government Services, which commissioned the study in the first place. That may sound like a pat answer to the Honourable Member, but from my point of view, that is another one of those documents that is used in the development of policy of the Government, and ought not, in the normal course of business of the Government, to be made available.

The report deals with options, and is, therefore, a document used in the development of policy for a Government, and is not something that I can share with the Honourable Member.

(Mr. Jack Reimer, Acting Chairman, in the Chair)

The Acting Chairman (Mr. Reimer): Shall the item pass—(pass).

Item 1.(d) Financial and Administrative Services: Salaries \$925,000—pass; item (d)(2) Other Expenditures \$129,200—pass.

Item 1.(e) Human Resource Services: Salaries \$540,500.00. Shall the item pass?

Mr. Chomiak: With respect to the description of the Activity Identification in the Supplementary Estimates—I am looking at page 27. I am just

wondering if the Minister can give me some general information about the redeployment program as it impacts on employees returning from Workers Compensation. I guess I am surprised as to the significance of this function. I am just querying the Minister as to what the function is and what his statistics are on employees who might be on Workers Compensation in the Justice Department.

Mr. McCrae: The redeployment program is a program where if people are disabled as a result of workplace accident or injury, the purpose of the program is to attempt to work with these people to try to find acceptable alternative duties that could be performed. This not only puts people into meaningful pursuits, but also saves money, obviously. There are significant numbers of these cases, and we are prepared to share the statistics with the Honourable Member. I just cannot rhyme them off so we would undertake to make those statistics available to the Honourable Member.

Mr. Chomiak: I thank the Minister for that response, Mr. Acting Chairman. I would be interested in seeing the statistics. I guess I am somewhat surprised that there are significant—I had not thought it through. I had highlighted it in my review of the Supplementary Estimates. I had not anticipated a significant amount of individuals who were injured on the job in the Justice Department, so I would be interested in seeing those statistics. If I can just elaborate, the fact that it is noted in the department activities indicates to me that something is happening, perhaps in a greater degree than one would expect.

The Harassment in the Workplace program, is this confined to the Justice Department, or is it beyond the Justice Department because the description and activity says, "Implement and provide assistance in areas of programs dealing with Harassment in the Workplace."

Mr. McCrae: It is fair to say that this particular area of programming is something that is of concern and interest to the Civil Service Commission, but under our own department we have a department-specific program, and that is what this is referenced to.

Mr. Acting Chairperson, some of us have certain physical requirements and I wonder if it would be all right if we took four or five minutes to take care of those requirements.

The Acting Chairman (Mr. Reimer): Is there leave for a five-minute break?

Some Honourable Members: Leave.

* * *

The committee took recess at 2:48 p.m.

After Recess

The committee resumed at 2:54 p.m.

The Acting Chairman (Mr. Reimer): I remind Members that we are on item 1.(e) Human Resource Services: (1) Salaries \$540,500.00.

Mr. Chomlak: Harassment in the Workplace, Mr. Minister, is there a staff person or persons assigned full time to this function?

Mr. McCrae: There is not one person assigned full time to this particular task, but the one person who is designated to this task heads up a committee involving managers of the division including the Human Resource branch, so that it is not a full-time occupation.

Mr. Chomlak: Mr. Acting Chairman, further on down under the Expected Results category, still on page 27, one of the activities of the department is the application of French Language Services Program in the department. Can the Minister just briefly outline for me the scope of that program?

Mr. McCrae: It is one of the responsibilities of the Director of the Human Resource branch, Mr. Art Proulx, to ensure that our department complies with the French language policy of the Government of Manitoba. He is our designated person from our department to ensure that those positions that are identified as mandatory bilingual or preferred bilingual, that the mandatory ones are filled with bilingual candidates, and in the area of preferred, that he expend his efforts to ensure that we make every effort to ensure that the ones that are designated as preferred are indeed filled with bilingual candidates.

Mr. Chomlak: Mr. Acting Chairman, can the Minister indicate whether or not the goals have been met, in other words, the positions are presently occupied in both the mandatory and the preferred?

* (1500)

Mr. McCrae: I know that to be the subject of a periodic review between the Government and the Société franco-manitobaine, so that what we have are targets. I cannot tell you to what extent those targets have been achieved. I think that our ongoing relationship with the SFM is indeed just that, ongoing, and our periodic meetings I think are one

of the things that ensures the Government does keep its attention to the task at hand. I cannot tell the Honourable Member how many of our targets we have reached. All I can tell him today is that we continue to work toward fulfilling all of those positions, certainly the mandatory ones, and the preferred ones to the extent that we can reasonably and possibly do that.

So in terms of how well we are doing, I do not know that I have all the numbers available for the Honourable Member today, but that is something I can take under advisement and consider sharing with the Honourable Member.

Mr. Chomlak: Mr. Acting Chairman, I appreciate the Minister's response, and I also appreciate his offer of providing me with those statistics.

Moving on to Affirmative Action, I am wondering if the Minister has similar target guidelines and if he could share those figures with the House as well?

Mr. McCrae: I can, for the Honourable Member, report progress and indeed action in our department's affirmative action efforts. It is a matter of something that is not the usual kind of reviewing and revising that is going on, but I think something a little more significant than we had seen in the past. There is quite significant attention drawn to this matter at the senior management level.

I think that it needs to be said that in the justice system, the affirmative action group that is certainly remembered is the aboriginal group. We know from all the things we have heard and from studies that have been done that Native participation in the negative sense is certainly there in the Justice Department, and our department needs to turn its attention in that direction. That is what we have been doing. I have in the past reported some pretty positive signs, certainly in the Corrections area with regard to Native participation in the delivery of justice services.

So without getting into a lot of numbers for you today, we are moving in the direction we should be moving in. As much as we can be pleased, when you do not achieve optimum levels, we are pleased that we are making some real progress in that area.

Mr. Chomlak: I am somewhat familiar with past statistics, so I would appreciate if the Minister would forward to me, and I understand he will undertake to forward to me, those statistics, in terms of the progress that has been made for review.

The Acting Chairman (Mr. Relmer): Item 1.(e)(1) Salaries \$540,500.00. Shall the item pass?

Mr. Carr: I see that in the statement of Objectives is: "performance appraised and correct compensation administered;" to staff. Could the Minister tell us how the performance of Crown prosecutors is reviewed? What criteria are in place to assess their performances, and after such performance appraisals are complete, just how compensation is appropriately determined?

Mr. McCrae: As a result of the reorganization of our Prosecutions branch a year ago last summer, we have obviously, as the Honourable Member knows, achieved major improvements in the way we do business in our Crown Prosecutions office.

Part of that is we have six or seven senior Crown attorney positions, each of whom has a number of Crown attorneys reporting to him or her. The performance is evaluated, but it is not the kind of performance evaluation that the Honourable Member might envisage.

How do you do it? Do you count cases? Do you count convictions? Do you count acquittals? Do you count length of sentence? It is very, very difficult, but we have a far better handle, if you like, on the operations of our Prosecutions office now than we had before the work done by the outside consultants we brought in to assist us.

The reorganization has resulted in much more efficiency without increasing substantially the staff complement at the Prosecutions branch. We cleaned off 20,000 cases in addition to the regular flow of incoming and outgoing cases, but 20,000 cases between July and December of 1989 were done. That took a tremendous amount of work, not only on the part of Crown attorneys, but certainly judges and other people in the Courts division staff to get that done.

I guess the answer is not a very specific performance evaluation system for Crown attorneys, but look at our results and judge for yourself in that way. We have a better management system than we had before.

I ask the Honourable Member how would he go about evaluating the performance of Crown attorneys except to work together with them, find weaknesses and work on improving those weaknesses. We have senior management committees. As a matter of fact, the Senior Management Committee of Crown Attorneys are

meeting today in the City of Brandon. I would have been there, except that I am here.

I would have been there welcoming Mr. Watson, our new Director of Regional Prosecutions, who will be headquartered in Brandon. He is one of a group of three senior prosecutors who have assumed director positions under Stuart Whitley, the Assistant Deputy Minister responsible for Public Prosecutions. That Senior Management Committee then, each of them has various senior Crown attorneys reporting to them. The management structure is better, which will result in a better performance evaluation of those people who work for those senior managers and those directors.

In terms of filling out a form and all of that, I do not think we have come that far. I have to say that is a difficult problem. Not that we have not addressed it, but it is a difficult one to solve. If the Honourable Member has a suggestion, I would be glad to hear it.

Mr. Carr: The Minister asks us how we would do it? Regrettably, the people of Manitoba have not seen fit at this time to entrust us with that responsibility. We hope through lots of hard work, that perhaps will change between now and the next election.

The Minister tells us that the system for evaluating and appraising the work of Crown counsel has improved considerably over the last year. Because we are interested in knowing just what efficiencies and what improvements have been brought to bear, could the Minister outline, in just brief form, what those improvements are and how they are being implemented in the department?

Mr. McCrae: I will sure try. The Deputy Minister is here, and if I start to stray off in the wrong direction I am sure he will find a way of letting me know.

The Crown Prosecutions office, the way that they do their work changed dramatically last summer or a year ago last summer. The key to all this is in handling the flow of cases. Previous to the reorganization, cases were assigned to this Crown attorney or that Crown attorney, and then if it went to another level by way of an appeal or something like that, it might have been handed off to some other Crown attorney. That was not a very efficient way of disposing of cases in our court system.

*(1510)

What we did was take experienced Crown attorneys and put them up at the front end of the prosecution flow. A case comes into the office from

the police department and at that point is assigned to one of these senior Crowns. That I guess is called screening. At that point, the Crown attorney is able to have a look at the file and make disclosure to defence counsel on a much more timely basis than was done previously. At that point, the Crown and defence are able at that early stage to work together making decisions, whatever, if plea bargains are appropriate in a particular case—those kinds of things are done at that up-front stage. Rather than setting the trial 14 months down the road, passing off the file to some other Crown attorney and then arriving for court and five minutes before court coming up with some kind of a deal for perhaps a reduced plea or a joint submission on sentence, or some such thing, all of that is pushed back 14 months and done up front by those senior people.

Narrowing of issues is another part of that process, so that we are not going into court on fishing expeditions on the part of the Crown or by the defence. Although, if you are going to get defence counsel who does not want to get into the process of defining issues and so on, that is possible, too, under this system, but in a vast majority of cases we are able to process them much more quickly in this way.

So at that point it then can go into a court which deals exclusively with guilty pleas. If it is a case that is going to be contested, it can be at that point handed over to a Crown Attorney who will, from that point on, be in charge of that case all the way up, if necessary. That kind of efficiency was arrived at with the help of the Andersen Consulting Group; they were involved in that part, too.

I do not know if that gets at answering the question the Honourable Member asked. I think it does. The main feature of it, though, is that you put senior, experienced people on the up-front part so that we do not make—well, we do not like to make any mistakes. Some will say we make the odd one. By using senior, experienced people at that very up-front stage, important decisions about the conduct of the prosecution can be made at an early stage, and trials can now be set two, three months down the road instead of 14 months down the road if it is a trial. If it is going to come to a contested trial, it can be done quickly, to the extent that we are even getting complaints from defence counsel that we are too efficient.

Mr. Carr: Mr. Acting Chairman, how does the department determine appropriate pay increases for

Crown counsel after the evaluations have been completed?

Mr. McCrae: Very briefly, and very simply, years of service play a role and that, combined with an assessment that is done by a committee headed up by the Deputy Minister with respect to—you are talking about the so-called merit increases and that is what I am talking about, too.

Mr. Carr: Mr. Acting Chairman, again, among the objectives of this branch, to administer collective agreements and co-ordinate special activities and programs, one of which is articulated as multiculturalism, could the Minister elaborate on just what multicultural programs and activities are administered by his department?

Mr. McCrae: The Department of Justice is like the other departments; it takes direction from the Government. When the Government makes multicultural policies, those policies are then taken up by the various departments.

In our department, it is the Human Resources branch that then takes up that task. One of the multicultural programs is, of course, the Affirmative Action program of the Government, so that the multicultural approach of our department is the approach that the Government sets down for us.

It includes services provided in our courts system to people who come to our courts whose language is neither French nor English. Interpretation services are provided in those cases.

The needs that are out there—we attempt to meet those needs. We try to do it efficiently. When needs come to our attention that we are not geared up for, and those needs are legitimate needs, our department, like any other department of our Government, would make the necessary arrangements to attempt to meet those needs.

Mr. Carr: I was just curious, because multiculturalism is a separate listing in the Objectives aside from Affirmative Action. I was curious to know what multicultural programs in particular that the department is administering. I gather the Minister's answer is that there is a need from those people who speak neither English nor French for special treatment by the court system. Is that what you meant? -(interjection)- Okay.

I am interested as well to know how the department is doing in the recruitment of Natives, particularly in the Corrections system.

Mr. McCrae: That is kind of a broad issue and a broad question and really goes Government-wide, I would suggest, but I think to an observer it would have to be noted that the Department of Justice, which is so much a people-oriented, people-serving department—it is important that our department be cognizant and mindful of our responsibilities in this area.

(Mrs. Rosemary Vodrey, Acting Chairman, in the Chair)

It is also important to note that we are making pretty significant progress. It is always necessary I guess to make your point, to make comparisons, and we have come a long way in two and a half years. For example, for our northern courts, for the first time, recently we issued a job bulletin in the Cree language.

We have a special training program, more than one training program, for Corrections officers conducted at the Keewatin Community College. We have a probation program in the North, which is sensitive more to aboriginal needs.

In fact, I can report to the Honourable Member that as a department we have reached a 5 percent level of Native employment in our department. That is a number, I am told by my department that is a good number when compared with the past. We would like to be even doing better than that, but we are at that level now.

Mr. Chomiak: Given the Minister's response to the Member for Crescentwood (Mr. Carr), I am assuming that those statistics will be provided to us in the statistics that the Minister is providing us on Affirmative Action.

Mr. McCrae: Yes, Madam Acting Chairperson.

Mr. Chomiak: I thank the Minister for that response. My final question in this Sub-Appropriation area is a generic question. It is simply I note that virtually every appropriation has an Allowance for Staff Turnover. I am not familiar with the process in my other critic area, and I am wondering if the Minister can elaborate on what that is. Specifically, on page 28 of this Sub-Appropriation there is a \$1,500 Allowance for Staff Turnover. I assume it is an accounting measure.

* (1520)

Mr. McCrae: This is a small number on this page in comparison to the other numbers. When someone retires or quits or whatever, the time it takes to find

a replacement for the incumbent retiree or resignee, there is a saving there. There are also expenses incurred in bringing new people on. Sometimes there are moving expenses. When someone leaves, there are also severance expenses. This really is an accounting kind of number, and it is a small one, but I think it is there to make the point that there are those kinds of adjustments. Also, when you bring a new person in to replace someone who has been there for years, they would come in at a lower rate of pay ordinarily. This number is to reflect that kind of thing does go on.

The Acting Chairman (Mrs. Vodrey): Item 1.(e)(1) Salaries \$540,500—pass. 1.(e)(2) Other Expenditures \$35,700.00.

Mr. Carr: Just one general question that seems to apply to every section in the Estimates called Other Expenditures, and that is they have been frozen from last year to this year. There is no dollar increase. I am not critical of that, but I am just asking the Minister what effect that freeze has on the operation within the department. The inflation rate is now running between four and five percent, so presumably there is some falling backward in the department as it tries to keep pace with inflation. What effect does this freeze on Other Expenditures have within his department?

Mr. McCrae: Oh, dear, it is true. The effect of the numbers as you see them unchanged from one year to the next is the response to the demands being made by the people of Manitoba—legitimate demands for a more efficient operation of Government. That means, as one highly placed official said, there are some very highly placed bureaucrats who are going to have certain stomach aches going on. They are going to have headaches too sometimes to try to make do, get the same job done, because of our commitment to maintain services to Manitobans, but to get that job done with fewer dollars.

(Madam Chairman in the Chair)

In some cases, we are talking of a so-called freeze, in the Honourable Member's words. You are talking about either fewer or certainly no more dollars to carry out the same functions. In some cases, I guess, it means maybe counting paper clips, I suppose.

If you look at it in the overall for my department—I cannot speak for the other departments other than in a general way, but I can speak for my department

and say that we are carrying out our responsibilities. Where troubles exist, we find ways to alleviate those troubles. For example—and I can only use examples to make my point with the Honourable Member—how did we manage to carry out our programs? How did we manage to reduce the backlog at the Winnipeg Provincial Court system? How did we manage to bring our Land Titles system under control and yet carry on the program of converting titles from paper to computer titles? How did we manage to do all these things?

I can speak for my department and say we have some very well-motivated people in our department. We have a lot of very professional people who approach their work that way. I like to think that I have a role in encouraging them to be like that. The fact is, we have results that we can point proudly to in my department.

If you look at the total expenditures of my department, we are looking at about a 5.6 percent increase this year over last budget from the voted amounts of last fiscal year to the budgeted amounts for this year. It is not like we are being treated too badly by the Government. I am not complaining, as a matter of fact, because this is the third fiscal year in a row that this department has been favoured with what I have to describe in comparative terms as generous financing from my colleagues in the Government of Manitoba. For the first time in a long time, Justice, the Attorney General's department, has been given some priority.

The Government recognized there were some things that had been neglected, left alone, for too long and needed attention. Yes, it is a fact that under Other Expenses, the numbers are the same, but it is a credit to the people who work for the Department of Justice that we are still able to carry on our programs. Where we see that there are weaknesses, sometimes we have to reprioritize and work from funds that are already appropriated to the department and not to bring on more.

There have been a couple of things that have come up that have required supplementary funding for this department, however. The RCMP contract costs are not something that are totally within our control. I dealt with this a little while ago with the Honourable Member for St. James (Mr. Edwards), and I think he nodded in agreement that this kind of thing should be. Better arrangements should be negotiated with the federal Government, and we are attempting to do that, but the RCMP was one.

When we reduced the criminal court backlog by 20,000 cases in that short space of time, we put a fair amount of pressure on our Corrections system, both our probation area and our institutional areas. That was a problem, but I am saying to the Honourable Member, when we talk about good management, I guess this bears out that we meant business and that we are delivering what we promised.

Mr. Carr: The Minister, through his response, stimulates curiosity and arouses debate, because he argues, literally at the same time, that he ought to be congratulated for giving his department more resources, but at the same time congratulates himself for getting by on spending no more money. I am not sure that you can have it both ways. There is a 5.6 percent increase. -(interjection)- Well, the Minister says he can have it both ways, and he will have a chance to tell us why.

What I really want the Minister to provide is an assurance to the House that the frozen Other Expenditures which run consistently throughout the Estimates will not result in a loss of service to the people of Manitoba who rely on this department. For us to be satisfied through the Minister's answer, and we take the Minister's answer at face value, that this is not a problem that is going to begin to erode a level of service from his department to the people, and that he is satisfied that what has been given to him is sufficient to carry out his mandate.

Mr. McCrae: It is with a great deal of pleasure that I respond to the Honourable Member that, in this particular situation, I can indeed have it both ways, because I can bring about efficiencies—I say that, meaning we the people of this department are able to bring about efficiencies and make that commitment that service to the public is not being diminished.

* (1530)

On the other hand, having it the other way, I am getting support from my colleagues in the Government of Manitoba for programs like the expansion of the Family Division of the Court of Queen's Bench, which has a dollar sign attached to it and needs money. Our Government is committed to it. I can also talk, on the other hand again, about how we were able to restore 23 rural RCMP positions and maintain them into the third fiscal year that we are in. That is thanks to support given to my Government. Yes, I can have it both ways. I can

increase services to the people of Manitoba, and I can maintain the services that we were already providing. It is not very often that you can have it both ways, but this is one of those days.

Mr. Chomiak: I agree with the comments of the Member for Crescentwood (Mr. Carr). The Minister's comments certainly could generate a good deal of debate, but I am more concerned with proceeding through this Estimates process. I will deal with some of the comments of the Minister during the Estimates process dealing with specific programs.

I am wondering at this time, given the time in this Chamber, given the fact that the Member for St. James (Mr. Edwards) has been able to rejoin us, if we might caucus momentarily to discuss the strategy—given that it appears to me the Minister has considerable staff here—as to where we are going to proceed today and perhaps Wednesday. Would that be a helpful suggestion?

Madam Chairman: Is it the will that there be a brief recess?

* * *

The committee took recess at 3:31 p.m.

After Recess

The committee resumed at 3:33 p.m.

Madam Chairman: Item 1.(e) Human Resource Services: (2) Other Expenditures \$35,700—(pass).

Item 1.(f) Computer Services: (1) Salaries \$646,300—(pass). 1.(f)(2) Other Expenditures \$396,400—(pass).

1.(g) Communications: (1) Salaries.

Mr. Chomiak: I am just wondering if the Minister can indicate who the two individuals are and briefly outline their job descriptions.

Mr. McCrae: The director of our Communications branch is Ms. Linda Lee. The other member of the branch is Mr. Jock Bates. The work of the Communications branch is to provide assistance to the department in its communications with itself, amongst the various branches, and to assist the Minister on various matters: media relations assistance, help with programs like the impaired driving public information program, external communications projects, assistance with crime prevention matters that come forward. The annual report of the department is part of that responsibility.

A number of communications functions are carried out by this rather small branch.

Mr. Chomiak: Would it have been this branch that co-ordinated the impaired driving advertising program?

Mr. McCrae: The information campaign for Bill 3 was a joint thing with the Highways department and their people. I do not know all the people in Highways that might have been involved. That also included our Communications branch with contacts with the Premier's communications advisers. I believe our Constitutional Law people had a role to play in all of that, and me personally. There were quite a lot of people involved in it. It was a very, very successful campaign—very, very small cost for the amount of benefit we got out of it; we, meaning the people of Manitoba. The awareness of Bill 3 is phenomenal considering its age. It has really been quite a success story, and we are really appreciative of the support we got from the New Democratic Party on that.

Mr. Chomiak: I am just wondering if the Minister can indicate what his department's costs were in regard to the program? I understand it was a joint program and there was also donated time and cost. Can he indicate what the department costs were in the program, and does he anticipate a continuation of the program over the next fiscal year?

Mr. McCrae: I am going to give this one as an undertaking to get the precise number. The Honourable Member is going to be surprised when he hears this number, because it is going to be incredibly small in Government terms, when you consider what has been achieved by that public information program.

The other part of his question is whether we will do it again. We will obviously be keeping an eye on this one because of the success rate. I cannot tell you exactly when or if, but I suspect that it will be very much on our minds.

Mr. Chomiak: Has the Minister considered using the Opposition or Justice Critics in their roles in terms of appearing in the ads or anything in that regard?

Mr. McCrae: I would like to appear in the ads myself. Unfortunately, I have not been able to do that except for one that was put out by the Broadcasters Association of Manitoba. On that one we benefitted to the tune of a \$350,000 program that the taxpayers did not have to pay, and the Government thrust of

Bill 3 was something that they built into their own messages. I thought, what a great level of co-operation on the part of the business sector, in particular the broadcasting industry.

The greatest single impact in terms of public education has been on the front pages of the newspapers and on the television in the news departments. That is where people have become most aware, rather than through money spent by my department. I know the Honourable Member for St. James (Mr. Edwards) wanted us to spend an awful lot of money on public education, and we did spend some money. As it turns out, the best public education we got out of that was free media that we got by virtue of the Member for St. James kicking us around and the NDP coming out in support of what we were doing.

When we are able to make available to the public the fact that the program is working and produce survey results that tell us that the program is working and is well understood—it could be better understood, but it is still phenomenally well understood for the age of that program.

In terms of actual communications and public education dollars spent, we sure got a good bang for our buck on that one.

* (1540)

Mr. Chomiak: I thank the Minister for that response. I am not certain, perhaps I have missed it, but did the Minister indicate the program would be continuing in the next year?

Mr. McCrae: Actually you did not miss anything, because I did not come right out and answer that question. The fact is that we would like to, of course, but we have to measure the value of it when we are already achieving a pretty high level of public awareness on it. I am not saying no, and I am not saying yes obviously either, but I think we have to measure the benefit that we will get in terms of all of the priorities of the Government on that one. We will make sure that we turn—our attention is already on that, but the amount that we would spend is the question. How big of a campaign might we embark upon, because we want to keep this in front of the people? As long as the issue is finding its way through the courts, we continue to get some attention on the issue. That has a great impact.

You know, the enthusiasm of people in our province to this particular program is really refreshing. I refer you to the Teens Against Drinking

and Driving and the work they are doing in our high schools, the Safe Grad programs, the MADDs and the CAIDs and a number of others who are taking quite an interest in these things, because they know what we are doing is working. They like to see that, because we are saving lives.

That is a longer answer to the question. I am not being particularly clear on it at this point, because no finalized plans are in place.

Mr. Edwards: Just by way of comment on the Minister's most recent comments, it always surprised me that the billboards did not say Bill 3 and Bill 54, because there were two pieces of legislation which implemented this plan. It did not fit with the advertising scheme, but in fact, Bill 54 was longer than Bill 3, my friend the Member for Kildonan (Mr. Chomiak) may be interested to know. He was not around when that was happening. It always surprised me that Bill 3 got the credit when it was a shorter Bill.

With respect to this branch, the Communications branch, I notice that it indicates that one of the Activity Identifications is to enhance the self-image of those who work within the department. I wonder if the Minister can indicate what efforts are made in that regard, and specifically, if he could address some of the institutions which to his knowledge, I believe, and to mine, have suffered in the past from low morale. Most recently, it has come to my attention that Manitoba Youth Centre has had some problems with some of the staff for various reasons. I wonder if this branch has played any role or what it does in respect of enhancing morale within the Department.

Mr. McCrae: I realize that reference is made under Communications, the self-image enhancement business, but if we are dealing on a personal basis, that kind of service is dealt with through the Human Services Branch. In terms of enhancing our self-image, you know, every time Communications helps us communicate that people at the Land Titles Office are doing such an excellent job for us, I think that may be a reference to that type of thing. I believe that when we are able to achieve good results in the prosecutions area, and we are able to, with the help of our Communications Branch, let that be known, not only internally, but throughout the province, that has the effect of enhancing the self-image of people who work in our department.

The Honourable Member made specific

reference to the Youth Centre, and I could go on and refer to other corrections institutions by virtue of the very nature of the work there. I always say you are dealing with people who do not really want to be there. Right? These are jails we are talking about, so it is a difficult sort of environment for corrections personnel to work in. Maybe the Honourable Leader of the Opposition (Mr. Doer) could give us a little bit of a treatise on what it feels like to work day in and day out in an environment where most of the people do not want to be there.

So, it is in that way that our Communications Branch can keep members of the corrections area apprised of what is going on in the department—who is coming, who is going and who is getting promoted or that type of information. It is tough in the corrections area. I agree with the Honourable Member. So I think we owe it to the people who work for our department to attempt to do what we can to help them enhance their self-image as a branch of a very important department.

Mr. Edwards: Has this branch or this Minister looked at the issue of media and the courts at all? I know there have been some recent conferences on this issue. Of course, the United States has some different rules than we do in various states, specifically, the issue of whether or not the visual media or recording should be allowed in courts, or in certain courts and not other courts. I do not say it is a burning issue in society, but I do say it is one which falls within the realm of Communications. I wonder if the Minister has any thoughts of his own on that issue, having spent a lot of his professional life in courtrooms, and whether or not his department has considered this issue, in particular, anyone in this branch.

Mr. McCrae: Here again, if I get into an area where I am getting on the wrong direction, I am sure my Deputy Minister here can bring me around pretty fast, but I do not think that actual media in the courtroom is something that the administration of our department per se has spent a whole lot of time on. I think that is a question—the Honourable Member might want to talk with some of those judges he was telling me about earlier, that he has been associating with. Maybe he could find out how the judiciary feels about this.

I believe that the judge is in control of his courtroom. If the Provincial Court were to want to move in a certain direction, I would expect I would

hear from the chief judge representing that court, or if the Queen's Bench wanted to do that, I would probably hear from the head of the Queen's Bench that they might be wanting to move in a certain direction.

Now, I think there have been some moves in regard to having tape recorders operating in the courts, on the part of representatives of the media, to be used for their background material, but not for direct quotations from the mouths of the witnesses or the participants. Now, I think that is what is going on, but the Honourable Member is getting into the realm of the responsibilities of the judiciary, and I do not think it is incumbent on me to be making policies about the media in the confines of the courtroom.

Mr. Edwards: Well, it is not a large point. I wondered if the Minister—and I think it is within his prerogative to raise the issue. Certainly, the judges would have input, but with respect to the provincial courts, I think it is certainly within his authority. I will move on. He may want to respond to that; I do not know. I have another question about this specific branch. I wonder if it does work in a communications capacity with some of the commissions, specifically, the Law Reform Commission, Law Enforcement Review Agency and the Manitoba Police Commission—if they turn to these individuals for assistance, or do they do their own when they are dealing with the media, as they often are?

* (1550)

Mr. McCrae: One of the things I did not mention earlier, when I was answering a question of the Member for Kildonan (Mr. Chomiak), is that one of the other functions of the branch is to prepare press releases to assist the Minister in his many speaking engagements, to get him ready for those kinds of things, but to answer the Member for St. James (Mr. Edwards), yes, the Communications Branch does work with the Police Commission. I know it does provide services to the Law Reform Commission if they are required. The Law Reform Commission writes its own press releases, but I think, in terms of distribution and other arrangements, my department's Communications Branch and sometimes in conjunction with the Information Services Branch of the Department of Culture, Heritage and Recreation, all work together on various things that come up.

Madam Chairman: Item 1.(g) Communications: (1)

Salaries \$94,400—pass; 1.(g)(2) Other Expenditures \$40,000—pass.

Item 1.(h) Public Inquiry into the Administration of Justice and Aboriginal People.

Mr. Edwards: Madam Chairperson, I note from the prior discussions we have had, and the Minister has indicated that there is already a group in place to respond to the Aboriginal Justice Inquiry, I wonder if he can tell us who is on that response committee?

Mr. McCrae: Yes, I answered a little while ago when the Honourable Member was not able to hear me. Yes, the Assistant Deputy Minister is responsible for Corrections, Prosecutions, Finance, Courts, and Legal Services are involved in the committee of the type the Member referred to. Also involved, not on the committee, but certainly available to the committee is a representative of the Native Affairs Secretariat of the Minister of Northern Affairs. That committee is in place and actively working, has been doing so since last April or May.

Mr. Edwards: When does the Minister expect this report? There have been—I believe, it has been stated March or sometime around there. Can the Minister indicate his latest knowledge on when the report is going to be delivered?

Mr. McCrae: The report of the Aboriginal Justice Inquiry was originally slated or set out in the legislation that we passed in this House, and either once or twice since then has been extended by Order-in-Council, and the latest extension is to January 31, 1991. Now, whether we will have that report on that day or need to make another slight extension, time will tell.

Mr. Edwards: Without prejudging the conclusions of that commission, are the members of the response team considering the relationship between the Metis and full status aboriginal people in this province? I recall during the hearings the Metis made a presentation, and I know through meetings with them that they are concerned that they may be left out of the results of that commission. Is that issue being addressed, and the interrelationship of them and the full-status Natives, in relation to the justice system in this province?

Mr. McCrae: I did not hear everything that the Honourable Member asked, but I did hear the first part dealing with Metis persons in our province. For the purposes of our work, we consider them in the same way that we consider aboriginal peoples. I think that answers that question.

I want to make it clear, I may have left not quite the impression that I should have earlier that we are not here second guessing or trying to guess. I have used the word "anticipating," and I know that I have said that. That is not entirely incorrect either, but I do not want to put too fine a point on it either. What we are doing is making ourselves aware, in more detail, of all of the kinds of issues that have been raised, and we think that are likely to be raised, in the report of the Aboriginal Justice Inquiry, so that we are in a better position to respond quickly. That does not mean that we are writing our own Aboriginal Justice Inquiry report, and then we can compare it, and quickly adjust ours when we get it. That is not quite what I meant. I do mean to say that we are doing all of the things that we can, at a very senior level of the department, to be prepared to deal with the issues that are raised by the Aboriginal Justice Inquiry report in a timely way.

Mr. Edwards: Just to be clear, certainly for our part I think it is a good idea to have that response team. We certainly would never criticize the Minister for putting that group together. I think it is an important thing to do prior to getting the report which will no doubt be a very detailed and relatively complex, but very important report. It is important to have the strategies in place to deal effectively with it.

I wonder if the Minister can indicate whether or not he anticipates, and his group anticipates, the continuing involvement of either or both of the commissioners after they have delivered the report in some of the implementation of the recommendations which no doubt will follow?

Mr. McCrae: I believe that when the report is received, the work of the Justice and the judge will be finished.

The work of our committee, however, will take on a whole new meaning. I believe appropriately, judges judge, and that is what these judges will be doing when they are finished their work on the Aboriginal Justice Inquiry.

Mr. Chomiak: In my opening remarks to the Minister, I indicated our concerns with respect to independent inquiries evolving around unfortunate use of weapons and, in fact, during the commission of crimes. I am wondering if the Minister can clarify the comments that I—I am not clear what the Minister's response is to the question of an independent inquiry being held in every instance

when a fatality occurs. I am wondering if the Minister could briefly clarify his position in that regard?

Mr. McCrae: I assume the Honourable Member is referring to some sort of deadly force policy on the part of police—(Interjection)—I thought it was, on the part of police authorities.

As a result of events in Manitoba—certainly we know of three now, all of them unfortunate, but all of them unfortunately involving either aboriginal or Metis individuals. For the purposes of my comments, that has nothing to do with it; the fact that the persons involved would have been aboriginal or of Metis background.

What happens when there is a shooting or the use of so-called "deadly force" in an incident as in the case of the DeLaronde matter or the case of the Daniels matter in Brandon or the case of the J. J. Harper matter in Winnipeg.

It seems that of late there have been suggestions, maybe even sometimes downright allegations of something wrong on the part of the police authority. Now this, of course, should give reason for police authorities to be concerned when their own procedures and actions are called into question, and the public is left in a state where they are not sure because some people are saying, something went wrong, and others are saying, no, nothing went wrong, everything went just the way according to policy or whatever.

It appears that more and more we are coming to the conclusion that some review mechanism needs to be put into place in cases like this so that not only will justice be done but that it will be seen to be done; and, if it is not done, then something can be done about it. That is, in a nutshell, what we have been discussing recently.

I have been discussing with civic officials. I was pleased with the position taken by Chief Scott in Brandon after the Daniels incident in asking the RCMP to become involved in a review of the investigation after the investigation was complete. I was pleased also with the announcement the other morning by Chief Herb Stephen of the City of Winnipeg Police in that he was requesting the RCMP to review the investigation in the case involving Mr. DeLaronde. So here we have police authorities asking for that type of review to, if nothing else, clear the air.

We do not know what happened in the DeLaronde case, and it is not really appropriate to discuss it in detail anyway in this place or any other public place but maybe in the courtroom; if it is going to come to that, I do not know. The point is there is an air-clearing required in this modern day and age when people are more and more demanding accountability and demanding openness on the part of their public institutions, of which the police are a very important part. I am just concerned that whatever we do have application province-wide.

In the time that I have—that seems to be all the time for now, but we can talk about this some more if the Honourable Member wants to next time.

Madam Chairman: Order, please. The hour being 4 p.m., in accordance with the agreement of the House, committee rise.

Call in the Speaker.

IN SESSION

Madam Deputy Speaker (Louise Dacquay): The hour being 4 p.m., in accordance with the agreement earlier today, the House is adjourned and stands adjourned until 1:30 p.m. Monday next.

Legislative Assembly of Manitoba

Friday, November 23, 1990

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