



Fourth Session - Thirty-Fifth Legislature  
of the  
**Legislative Assembly of Manitoba**

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**STANDING COMMITTEE**

on

**LAW AMENDMENTS**

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42 Elizabeth II

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*Chairperson  
Mr. Bob Rose  
Constituency of Turtle Mountain*



**VOL. XLII No. 14 - 9 a.m., TUESDAY, JULY 20, 1993**

**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
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHOMIAK, Dave	Kildonan	NDP
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
GRAY, Avis	Crescentwood	Liberal
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, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
ORCHARD, Donald, Hon.	Pembina	PC
PALLISTER, Brian	Portage la Prairie	PC
PENNER, Jack	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
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STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP
<i>Vacant</i>	<b>Rossmere</b>	
<i>Vacant</i>	<b>Rupertsland</b>	
<i>Vacant</i>	<b>The Maples</b>	

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON LAW AMENDMENTS**

**Tuesday, July 20, 1993**

**TIME — 9 a.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRPERSON — Mr. Bob Rose (Turtle Mountain)**

**ATTENDANCE - 10 — QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Driedger, Findlay, McCrae

Messrs. Lamoureux, Laurendeau, Pallister, Reid, Rose, Sveinson, Ms. Wasylcyia-Leis

**WITNESSES:**

Jasbir Chahal, Manitoba Taxicab Association

Martin Boroditsky, Private Citizen

**MATTER UNDER DISCUSSION:**

Bill 24—The Taxicab Amendment and Consequential Amendments Act

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**Mr. Chairperson:** Good morning. Will the Standing Committee on Law Amendments please come to order.

When the committee last met, it was hearing public presentations on Bill 24, The Taxicab Amendment and Consequential Amendments Act.

I have before me a list of persons' names registered to speak to Bill 24. For the committee's benefit, copies of the list have been distributed. For the public's benefit, copies of the list are posted on the board at the back of the committee room. I would ask people who are registered to make presentations to please check the board to confirm where you are on the list.

I would also point out, with apologies, that I may have difficulty pronouncing the names of some of the presenters this morning, so I would ask you also to look where you are identified by number. I will do so when I call your name on the list.

Having said that, we will proceed with public presentations. I call No. 1, Narinder Dhanjoon, private citizen. No. 2, Jasbir Chahal, Manitoba

Taxicab Association. No. 3, Bob Watson, Duffy's Taxi Ltd. and Unicity Taxi Ltd. [interjection]

Is it the will of the committee that we revert to No. 2? [agreed]

I will then call Jasbir Chahal, Manitoba Taxicab Association. Do you have copies to be distributed? You may begin when you are ready.

**Mr. Jasbir Chahal (Manitoba Taxicab Association):** Good morning, Mr. Chairperson and honourable members of the committee.

My name is Jasbir Chahal and I am the president of the Manitoba Taxicab Association. On behalf of the Taxicab Association, I have a few comments here.

It has been mentioned by the Taxicab Board that The Taxicab Act was never revised since 1935. It is old. There is a saying, old is gold. We do not throw out old people. We learn something from them all the time, the same way we have to learn a lot from the old bill, what it was, how it was.

Can we afford the new one at this time when the recession is going on? If not, why the change? We are going through the recession. It is the wrong time to touch anything yet. Businesses are going bankrupt. The Taxicab Board is trying to make the taxicab industry bankrupt too.

This bill is a killer of the industry, as the Taxicab Board killed the industry by adding 32 premium cars and 18 accessible vans now on the road working as regular taxis. They are working even though accessible vans, the purpose for them was to take handicapped people in wheelchairs at short notice, but Handi-Transit can do it.

The industry was choked already, but with Bill 24, the Taxicab Board suffocated the industry totally, sending the people to a graveyard.

Now, about Bill 24. Section 4(1) of the bill should read as existing. Directly or indirectly gives provisions to the Taxicab Board to break up any company and opens the doors to break up one company in the industry.

Section 8: Did not survey properly like the trucking industry does. What the trucking industry does, when somebody wants to take a route for trucking from one firm to another one and they survey the particular route they need, is the existing service better or bad or whatever it is and then they decide.

Here the Taxicab Board did not survey properly, first of all. The second thing, there was no application from private citizens that they needed more cabs. The third thing, there was no private citizen coming up to the Taxicab Board hearing for the premium cars. It was all done, I think, by the city or maybe the Chamber of Commerce or maybe it was the idea of the Taxicab Board itself.

Section 8(2) regarding the fees for transfer: It should be set according to inflation. It is way beyond that one from \$100 to \$400, and that way I should mention it, but at this time, I am uncertain. I should not say these things here. How about if the people keep the cabs on—for example, Mr. Don Norquay selling the car to me. I leave \$5 with him. I say, okay, you do not transfer it to my name. Keep it under your name, but I will run the business, so there is no income coming up. The cab is in Mr. Don Norquay's name, but I am operating it. I am doing everything. People will start doing that which is a dishonest act on behalf of the Taxicab Board and for the people. If it is a reasonable fee, people will not hesitate to pay money and change it to their own names.

Section 14(2), leave the existing. Another one comes here. How about a family problem? If I had a family problem, I had a fight with my wife, can the Taxicab Board take my licence away and throw me out without food on my table for me, for my kids or for the family? Maybe tomorrow my wife and I agree we do not have a problem. We will walk to the Taxicab Board and say, we will give it in writing that we do not have a problem. Is the Taxicab Board able to issue me the licence I need for my living?

Any government employee, if he had a fight with his wife, the police come, and they take him to court but the government does not throw him off the job. They allow him to stay on the job. If the same thing happened in this matter, a taxicab driver and a customer, there was a problem, then we agree with the Taxicab Board a hundred percent to throw him out. If it was a family problem, it should not be done the way it is now.

Punishment and penalties: Any section dealing with the penalty and punishment gives unlimited powers to the board now. The board should not be given those powers, and those powers should be kept for the courts only. That is why we have the courts and police.

The board should decide and the penalty should be issued or levied—I am talking about the heavy penalty—by the courts, not by the board. The board should be limited in its powers, for example, I am not saying yes, but maybe say \$200. The Taxicab Board can fine me \$200 if they find I am guilty of something, not a thousand dollars or more than that or whatever it is.

\* (0910)

Sometimes, people cannot afford it. If I cannot afford to pay a thousand dollars to the Taxicab Board, what am I going to do if I am a driver and they find me guilty. What am I going to do? Go on welfare? That is the next step for me because I cannot pay the fine, and they have to put me in jail, or I will go on welfare because I do not have a job.

Fees, costs of proceeding: It should be decided by the courts, not by the board.

Section 19(2) comes here now. One judge should not have the right to decide for the appeal. Maybe the judge had a bad time at home. He had a fight with his wife. He comes—and a cab driver, like me, drives him to work. If I gave him another hard time, and I come in front of the judge after one hour, I do not think he will be happy with me. So there should be two or more judges to decide the punishment, what it is for the course of proceeding. Whatever decision he makes, it should not be one judge, it should be more than one.

Now comes the rule-making powers. That is ridiculous. Rule-making powers—it is mentioned in the act, I think, one person can be missing at any time. I think juries and all those places come together at the start, and they go until the ending. If one person goes today and another one comes tomorrow, one man is missing something that is happening on the second day, so he does not know how he can decide.

Even at the end, all the people of the quorum of the Taxicab Board should be sitting together and decide. Suppose two people are missing, the remaining two or three, whatever it is, they should not be able to decide anything. It is very unfair in a democratic way.

Revenue statement: Only Revenue Canada is allowed to take the revenue statement, but on and off for the taxicab industry, it goes for the raise in the meter fare. I think they provide all the statements that the Taxicab Board requires from them. Any statement that the Taxicab Board requires from them, they provide it to give the raise, then it goes to the Taxicab Board to decide. They have to give the raise or it is not feasible or it is—whatever it is. The revenue statement should be deleted totally. It should not be in the power of the Taxicab Board.

Mr. Chairperson, I have some questions for the chairman of the Taxicab Board. Would you allow me to ask them?

**Mr. Chairperson:** I am afraid the rules of the committee are such that you are not allowed to question the committee. However, after your presentation is completed, there will be an opportunity for the members of the committee to direct questions to you.

**Mr. Chahal:** I have three questions for him and one suggestion, that is all. It is very short.

**Ms. Judy Wasylycia-Lels (St. Johns):** Mr. Chairperson, while it is not in order to ask questions and have answers, it certainly would be in order for you to put your questions on record as part of your presentation.

**Mr. Chahal:** Should I go ahead, please?

**Mr. Chairperson:** That is correct, you may proceed. Read it into the record.

**Mr. Chahal:** First, why did the taxicab chairman drag the Tuxedo Taxi for a long time? What are the reasons behind that?

Secondly, why did the taxicab chairman not take any action on private vehicles operating as taxi vans from downtown to the airport on private licence plates? We are losing revenue there, and the Taxicab Board is not regulating the industry properly on that.

Thirdly, why did the taxicab chairman not consult the advisory committee? I know, I am on the advisory committee. It is a big thing. If something is related to the taxis only, not for the handivans or other things, he should consult. He should have some kind of consultation with the taxi industry only. He need not call everybody, because it is very inconvenient for everybody to come. I agree with him.

My suggestion is, there must be a person from the industry on the Taxicab Board.

Thank you very much for listening. Any questions, please?

**Mr. Chairperson:** Thank you very much for your presentation.

**Hon. Albert Driedger (Minister of Highways and Transportation):** Thank you for your comments, Mr. Chahal.

Let me first of all maybe just do a little recap here. I had the privilege of meeting last week with your lawyer and your representatives from both Duffy and Unicity. I want to thank the member for St. Norbert, Marcel Laurendeau, who had earlier met with yourselves, gone through the spreadsheets that I had sent forward together with your lawyer and yourselves. Based on that meeting, the amendments that I have tabled basically came forward in terms of the fees and fines. I want to further state that the chairman has made the commitment that he will be consulting with the industry before he does establish the fines so that there is a comfort level with the fines and fees.

At the time when I met with your lawyer and yourselves, your representatives, I thought we had a very positive and frank discussion about the problems in the industry because some of the problems that you have related to are not necessarily covered in the act itself, because we have not rewritten the whole act. Basically the intent was, I repeat that in order to bring the Taxicab Board to ultimate cost recovery, full cost recovery—as we are doing with all our boards and commissions incidentally. That is the reason we had to change the legislation and brought it forward.

I knew full well at the time when I brought forward this legislation that because of the complexities and the problems that have been in the industry that concerns would come forward. I think it is proper that we have frank discussion as we did have in the two meetings that I had with yourselves and your representatives.

Some of the issues that you raised at that time as I made the commitment to you at that time that I would take up these issues with the chairman of the Taxicab Board which is a quasijudicial board of a regulated industry, as you are aware, and went through some of the concerns that were expressed at that time. The one specifically under 4(1), this

legislation does not change how the licensing takes place. You make reference to Unicity, that ultimately the changing of the licensing could change that. The board has that power at the present time, but that is not the intention of the legislation. The licensing portion of it does not change.

Other issues that were brought to my attention at that time, the board had started hearings at one stage of the game to deal with the private vans. The hearings were aborted for lack of resources at the time, human and financial. I have discussed that with the chairman as well and he is prepared to take and move further on that as soon as he possibly can, I guess. I am trying to address some of the concerns that you brought to me at that time which I raised with the chairman, and I am relaying that information to you now, Mr. Chahal.

**Mr. Chahal:** Thank you very much.

**Mr. Driedger:** So the fees and the fines itself that I think we took the responses and suggestions from your legal counsel and implemented those into the amendments. Other things that were addressed—and some of the onus is on myself as the minister responsible for the Taxicab Board. The fact that there has not been a full board, I made a commitment that I would fill up the full five members on the board. We have had a vacancy there for quite a while. The process, we are going to proceed with it to fulfill so that we have the full board. That criticism can be directed only at me. I did not fulfill my responsibility. It is not the chairman of the Taxicab Board that was lax in that.

So the various issues that you raised or the eight points that yourself and your lawyer and your representatives from Duffy's and Unicity raised with me, basically, I have discussed them all with the chairman of the board realizing that there are complexities and problems that have to be dealt with. I think the way we do this is to try and do it in a co-operative way. The bill itself, when I brought it forward I did not consider it an onerous bill. I realized that the taxicab industry is not making much big money. It is not a rich industry. It is a service industry that is regulated and the complexities and difficulties that are there.

So I think that in my discussion with the chairman that I think these things that we are on a better track right now. I want to compliment the taxicab industry for over the past number of years there have been

dramatic improvements. This is the reaction I get from the general public who tell me that the quality of service has improved dramatically, and I want to compliment the industry for those improvements. I would hope that I could work together with the industry to continue to improve that so that the people involved in it, who have high stakes involved when they purchase a licence, they can make a reasonable and fair living at it. This legislation was never brought forward to try and create aggravation or be an onerous bill. It was something that I think was trying to deal with some of these issues which are not megaissues.

\* (0920)

The other option that I had, Mr. Chahal, was that we rewrite the whole taxicab bill, and I did not want to do that necessarily. It would be very complex and difficult. We basically addressed some of the revenue ends of it here, and as our legal counsel in the Legislature insists on, we have to make it gender neutral.

The questions that you have raised here in terms of vans, et cetera, these are all issues that I have already raised with the chairman, and hopefully we can address them.

**Mr. Chairperson:** Mr. Chahal, did you wish to respond?

**Mr. Chahal:** Mr. Chairperson, I have the last one. It is written on page 4 here. It says there must be a person from the industry on the Taxicab Board. Could the minister clarify that, please?

**Mr. Driedger:** Mr. Chairperson, the only difficulty I have with that is that if we have a member of the industry on the board, we have Duffy's, we have Unicity, we have Spring Taxi. The one thing I have some concern about is the conflict of interest by having somebody from the industry on the board. I know it has to be somebody who understands the industry, but whether it should be somebody from the industry itself—if we put somebody from Duffy's on the board, there would be concern possibly from the other two. Whichever way I do it, I do not know whether it can be a winner, but I would like to have somebody on there who has been involved in the taxicab industry, understands the problems. We are in the process of trying to come forward with names right now to do that.

**Mr. Chahal:** Mr. Minister, I would suggest the only thing you can do, the best way—you can put somebody from the industry on the board, but if you

want, I would suggest they should not be allowed to vote on that one. They are in the discussion. That way it clarifies things, so if they do not have the right to vote, then it will not have any impact on the Taxicab Board.

**Mr. Driedger:** I understand what you are saying in terms of having somebody from the industry who is active in there right now. I still feel that probably because it is a quasi-judicial board, there would be invariably very few decisions where that individual would not be in conflict, so to speak. I will pursue this very actively in terms of trying to see that I can find somebody that would be reasonable and acceptable that has been in the industry, who knows the industry, and we will try and see whether we can get that position filled.

**Mr. Chahal:** Thank you, Mr. Minister.

**Mr. Daryl Reid (Transcona):** Thank you, Mr. Chahal, for your presentation this morning. I have a few questions resulting from the presentation that you made, but first I would like to comment on the minister's last comments here with respect to conflict of interest.

I am not sure if you are aware or not, but there are members of this Legislature who every day vote on pieces of legislation that affect sectors of the private lives from which we all came. In other words, I am able, as a member of my party, to vote on matters pertaining to railway issues, to speak on railway issues. That was the background I came from, but I am still entitled to do that. Members of this committee here come from various backgrounds, including farming. We speak on farming issues here every week in the Legislature, and there is no reason why we should not have the opportunity.

So when the minister says that members of the industry should not have the opportunity to sit as advisers on the Taxicab Board, I think he is wrong on that. I think there should be, at minimum, a subcommittee involving members of the industry that can advise the Taxicab Board on issues that are affecting members of the industry and for the good of the general public. I think there is a strong need to have at least a subcommittee advising the Taxicab Board on taxicab industry matters. I think if you continue to press the minister and the Taxicab Board, there may be some movement in that direction.

With respect to your presentation here today, you indicated that there were 32 premium and 18 accessible vans and that the Taxicab Board, by way of bringing that forward, on the minister's instructions obviously, was creating difficulties. In fact, you said here it is killing the taxicab industry.

Can you give us an indication—because it is my understanding that the current industry has put luxury vehicles on the road to service the needs of the public now. What has been your experience with those vehicles? Have you seen an increase in market share as a result of putting those vehicles on the road?

**Mr. Chahal:** I should actually not comment on that one. Mr. Reid, you raised the question on this, but I want to be neutral for the Manitoba Taxicab Association.

I now have to talk on behalf of the industry, from Unicity, Duffy's and Spring. As far as I know, we did not raise any more business. Very many people are not calling the luxuries for their demand. You can see one or two cars in a day. I think the demand on that is not very much. I do not know how those premiums, when they come on the road, will survive.

When we put 50 cars on the road by September or October, I think we need not apply for more cars for the wintertime, which we put 50 or 100 cars, like 50 Unicity put on the road extra cars and 50 Duffy's. I do not think both the companies will be applying, because they have 50 cars already on the road now. I do not know where we leave the public then.

**Mr. Reid:** A study I believe the Taxicab Board did said that they had expected that there was going to be a 20 percent increase in the number of people using the taxicab services with luxury vehicles on the road.

If I understand you correctly then, you said there has been no marked increase in taxicab use as a result of the industry putting luxury vehicles on the road at this time?

**Mr. Chahal:** As far as I know, I think it is not true. If the Taxicab Board wanted they should have requested Duffy's. They have more cars on the road than Unicity has. They could have requested both companies to survey how many people call the luxury cars. It would be very easy for the Taxicab Board. I do not know why they did not do this. They should have done that to find out exactly

how many people need the luxury cars and why we need 32 premium on the roads.

Unicity has the computer system. Everything goes in the computer. They can ask for a printout. Duffy's have the slip system. They can ask for the slips of how many people need luxury cars. Before the Taxicab Board goes further, they should start with the industry, what they demand or what they need of the luxury cars.

**Mr. Reid:** In your presentation here you make reference to the fact that the legislation will allow for the continuation of any hearings that take place by the Taxicab Board, that may start with a quorum and may not end with a quorum and yet may render a decision on any matters that they may be hearing at the time. You have also indicated that you have concerns regarding the use of private vehicles that are operating within the city of Winnipeg as taxi vans.

Can you elaborate on that a bit for us? Maybe this would be the opportunity to draw to the minister's attention and to the Taxicab Board representatives who are here today what your concerns are, and maybe there is an opportunity here for some action to be taken to prevent an erosion of your market base.

**Mr. Chahal:** First of all, you asked for the rule-making powers. The Taxicab Board has been operating with three members so far. Now they have two more members, as I learned now. All those three people were sitting together most of the time, but the new legislation, it is not a necessity for them to sit.

Maybe you are missing today; the next day maybe Mr. McCrae is not there; and the third day Mr. Don Norquay is not there. At the end, the panel members who are, maybe one or two, can decide it. I think it is not very fair for the hearing at all.

If the members start sitting together, they should end up together. In case something goes wrong and the member cannot attend, they should postpone the hearing that day. That is the only fair way to deal with any case, to give the proper decision and to listen properly to what is happening. If I miss one day, I do not know what happened yesterday, so how can I come and decide all of a sudden what is happening.

To your second question: Mr. Don Norquay, I think he was notified in 1988 regarding the vans operating from downtown to the airport with the

private licence plates. Those vehicles, according to Mr. Norquay, I had discussed them with him, he agreed that he had got warned and now he would take action, but before that there was no action at all.

They are taking the business when a taxicab driver or the operator pays about \$4,500 or \$4,600 insurance on his taxicab, why not the other people can pay the same amount and do the business? So, for me, it is illegal to operate a business, and written on the side of those vans, so-and-so and so-and-so and operating on the private licence plates.

It is not like if the vans are not painted with the names or anything like that, you are operating like totally private, you can hide it. When the name of the company is written on the side of the van, and they are still operating on licence plates, I do not know why the Taxicab Board was not taking any action, or what was the reason why they did not co-operate with the police to find out or with the Manitoba Public Insurance—can they operate it or not, things like that.

\* (0930)

Mr. Minister was talking to raise the revenue. Now, we are losing the revenue there too, because they are not paying the proper fee to operate a business. According to this legislation here, if you do not have the proper licence to operate a business, you should be penalized for that one, so those people should be taking care.

**Mr. Reid:** It is interesting that you have raised this matter with the Taxicab Board. I would have to, I suspect, raise this matter at another time with the minister and the chair of the Taxicab Board to find out why no action was taken on this matter.

Maybe there will be an opportunity when we move into clause by clause to have a better understanding why no action was taken to resolve this matter which is obviously eroding your market base and any income that you would derive from that.

You had made reference to the fact that you are on an advisory committee.

**Mr. Chahal:** I am on an advisory committee, yes.

**Mr. Reid:** Can you tell me when the last time you met as an advisory body that you would have had the opportunity to participate in?

**Mr. Chahal:** I have been on the advisory committee since September last year. Since that, I am at every meeting. I talked to Mr. Don Norquay, he co-operated. He explained to me the whole situation—being unable to call all the handivan people and everything, to have a big room like a hall, because I think there were more than 30 people, so he said it is pretty hard to accommodate all of them and get hold of everybody for the same time. I do not have further discussion on that one.

I would like, in any matter concerning the taxi industry only, not with the handivans, they should have somebody like that to whom they can talk, to whom they can discuss their problems, and then go further down in place of putting a piece of legislation by themselves and putting it forward to the minister.

What they are saying is to listen to it. We were very opportune to see that the minister listened to both sides before he decided anything. I think this is the way it should happen before coming even to the Legislature here. It should have been done before and then go to the Legislature, not like yesterday I did something and you come forward and give it to the minister and it goes to the Legislature and all those things. It should be awarded in the future, I think.

**Mr. Reid:** Reference has been made at this committee yesterday, and I have heard this on several occasions before. The minister made reference to it in his opening comments here, that the industry, at least from the government's perspective from what I have heard, there seems to be the perception that the industry is wealthy and that they make a significant amount of money or income on a daily basis and that it will pay all your bills and that you are living quite high.

Can you give us some idea from your experience with the industry, what type of a day would you have as an operator of the vehicle and what type of income would we see generated on an average day?

**Mr. Chahal:** Well, I think I should not comment on that one. The Minister of Highways already admitted himself, the Minister of Transportation admitted there is no money in the industry. He admitted a few minutes before. He realized. He knows that one. The average day, like yesterday, I think people were lucky if they made \$40. How about if I am driving for you as your driver, I spend

12 hours and take \$20 home and you being the owner, I give you \$20 and you put gas and repair and everything. I do not think it is a wealthy one. The minister admitted already, I think he realizes now what the industry is. Maybe one of his relatives was driving cab. Who knows it.

**Mr. Reid:** Can you tell me then based on your knowledge of this legislation, Bill 24, what you think the impact is going to be upon yourself personally and other members of the industry by way of any penalties that might be levied and any new fees that may come forward that you may be aware of?

**Mr. Chahal:** Better I should sell my cab out and go and work for \$4.50 or \$5.50 somewhere else which is more better because we do not make minimum wage even. If you make \$40, like yesterday, and you ended up with 50 percent, \$20 in 12 hours, \$20, where are the minimum wages? The best answer for your question is I should sell the cab and go and work at McDonald's or anywhere.

**Mr. Reid:** Are you aware then that by way of this legislation on page 8, item 17(1)(b), that will require every vehicle, every taxi vehicle to have their vehicles inspected? Can you tell me then, under the current system, I take it you have to have your vehicles inspected twice annually, if my understanding is correct. Is that correct?

**Mr. Chahal:** Yes, it is correct.

**Mr. Reid:** Can you tell me, do you have to pay any kind of a fee that would be associated with that inspection at the current time?

**Mr. Chahal:** Well, let us see, we have a heavy expenditure already, a very heavy expenditure the taxicab operator has it. So this has added another one on top of that one. It was not very nice. Maybe, for example, you are my buddy at the service station, I go to you. You may not be inspecting properly and giving me a certificate, or here it is, the car is road-worthy. But if MPIC inspects the car, they do not do any favours and they do not charge any fee. You go and get it repaired. But now I have to pay you or you might not charge me, but you are my buddy and you write me a certificate, and I go to the Taxicab Board, my vehicle is road-worthy, give me the sticker. This is very dangerous for the public.

**Mr. Reid:** So then you are aware that as a result of Bill 36 and this Bill 24 as well, that the members of the industry operating the vehicles will have to incur up to \$80 a year to have their vehicles inspected

then on a service that was provided before with no fee attached.

**Mr. Chahal:** I am not aware of \$80, but I am aware of that one.

**Mr. Reid:** Well, by way of Bill 36 then, for your information and for other members of the industry who may be here today, your vehicles will have to continue to be inspected, I believe, on a twice-annual basis, but there will now be a fee attached to it. You will have to pay the inspecting garage for that inspection for a service that you were provided before.

**Mr. Chahal:** The understanding when we talked on that one was that there might be a maximum up to \$40 or maybe when it comes to the next reading it might be reduced to \$30. That was my learning.

**Mr. Reid:** It is my understanding from the legislation, from the comments that the minister has made in response to our questioning, that there will be regulations set that will allow the private inspecting stations that have qualified mechanics, I think is the right term, to charge up to \$40 to do that inspection, something that you and other members of the industry are now going to have to pay twice a year.

**Mr. Chahal:** As I said, it might not be fair for the industry or maybe for the customer who rides in the particular transportation because being buddy-buddy, he might inspect him and say, okay, you go, I do not care; when you have time you get it repaired. Whereas now, MPIC, if they find something that is not road-worthy, they will take you off the road and say, please go and get it repaired and then come and then your car will be on the road. They inform the Taxicab Board right away, so-and-so car is off the road for so-and-so reason, so the guy has to go and repair it.

In the new legislation it says—I do not know how to read Bill 36, what it is, but the buddy-buddy will endanger the life of the riders.

**Mr. Reid:** Before this legislation came forward—and I may have missed it in your presentation—and was introduced to the legislative Chamber, were you ever consulted on this legislation?

**Mr. Chahal:** No, sir. We never knew anything.

**Mr. Reid:** Do you think it is unusual that the government would not consult before they bring forward such legislation?

**Mr. Chahal:** It is very unusual. I think both parties should be consulted and then something should be done.

\* (0940)

**Mr. Reid:** What is your overall perception about this legislation?

**Mr. Chahal:** It is dangerous for the industry, taking too many powers.

**Mr. Reid:** So in that then you sense that there will be—I do not want to put words in your mouth, but a blank cheque that will be given to the Taxicab Board that will not give the taxicab industry the opportunity to be heard?

**Mr. Chahal:** I have a saying, all the time I mention when I talk to the customer, they talk about the economic ways, I say it is the politician's hand and the taxpayers' pocket. I think that should answer your question.

**Mr. Reid:** So I take it by that then you think that the legislation itself is unfair, and that looking at the comments that you have made in your presentation that there will be no opportunity for you to question any of the decisions that are made?

**Mr. Chahal:** No. It is wrong. It should be in the courts and at least we can have a fair hearing. If you were my boss and you can decide it, I cannot go anywhere. How can I expect fairness from you because you do not like me?—so I have to go somewhere else from where I can look. Okay, he is the one, he is the right person who can give me fairness in a hearing and he can listen to my case, too.

**Mr. Reid:** Thank you, Mr. Chahal, for your presentation here today. I appreciate you taking the time to come out and address the committee.

**Mr. Chahal:** Thank you, sir.

**Mr. Kevin Lamoureux (Inkster):** Mr. Chairperson, I want to start off by acknowledging Mr. Chahal's efforts in terms of coming before us today. I also acknowledge some of the work that he has done within the industry.

I want to pick up on the idea of consulting or the lack thereof. The advisory committee that you are a member of, how long have you been a member of it? Can you maybe give the committee a bit of a history on that particular advisory committee?

**Mr. Chahal:** I have been a member since September 1992.

**Mr. Lamoureux:** Can you indicate for the committee members when in fact this advisory committee came into being, when it was started?

**Mr. Chahal:** No, I do not have any idea. I wanted to meet with the committee when some problems came up so—

**Mr. Lamoureux:** Within the industry, are there any other advisory groups of sorts? I know at one point in time there was a committee that was established to deal with safety aspects of the industry, in particular with the shield. Are there any other associations or interest groups that are out there in order to protect the industry?

**Mr. Chahal:** There was one group before when Mr. Dhaliwal was killed. I was on their group too, but we never adjusted it; slowly it died. But this one is not going to die anymore. We had a bad experience of that one.

We have to make the government aware of what is happening and what is fair for the industry.

**Mr. Lamoureux:** I am wondering if Mr. Chahal can tell us, is he aware of the Taxicab Board approaching any industry representatives at all with reference to the making of this particular bill?

**Mr. Chahal:** Which one, please? Oh, 24?

**Mr. Lamoureux:** Of Bill 24. We know that the advisory committee that Mr. Chahal is a member of was not consulted. Are there any other industries or associations or groups, advisory committees that are out there? If there are, have they been consulted, to the best of his knowledge?

**Mr. Chahal:** No. As far as I know, there is no advisory committee to the Taxicab Board, and it has not been consulted at all.

**Mr. Lamoureux:** In your remarks, you talked about how nice it would be to have a member from the industry on the board itself. In fact, that is something that we have talked about now for the last number of years, how important and in fact comparative it would be to have—and I am aware of what the minister was saying in terms of the quasi-judicial powers of the board and using that to justify not necessarily having a member from the industry, a driver or a driver-owner that could be selected, or the president of the advisory committee, the only board that is out there, from what I understand, and I hear that you understand, in terms of being on the board, and in hearing, you

know, your comments that followed, what you are talking about is individuals?

You know, I am going to ask you to correct me if I am wrong that the industry as a whole, the individuals who are working in the industry, all they really want is an opportunity to be able to have direct input on decisions that are going to be made that are going to have a dramatic impact on their livelihood.

**Mr. Chahal:** It is in layman's language, Mr. Lamoureux. If the Taxicab Board had one or two members or three members on committee from the taxi industry only, I am mentioning again, from the taxi industry only, to discuss this problem before they make any changes, I think—and it is my feeling too—that we should not have been sitting here. It should have been decided all before.

**Mr. Lamoureux:** Had there been consulting? Do you believe that Bill 24—are there some positive things in Bill 24? That is really what I want to get at. In Bill 24, are there some things that are in fact acceptable to the industry, do you believe, had you been consulted?

**Mr. Chahal:** Excuse me, before you go further, do you want to read one of them—which one is it?

**Mr. Lamoureux:** Well, let us say, for example, the U-Haul and the deregulation or the taking out—

**Mr. Reid:** Kozminski section.

**Mr. Lamoureux:** The member for Transcona calls it the Bob Kozminski section.

Are there aspects of this particular bill that you feel, as an industry, are in fact acceptable?

**Mr. Chahal:** That is why I said which one. I do not see anything on that one.

**Mr. Lamoureux:** I am wondering in terms of—do you feel that as an advisory committee, had you been given the opportunity to sit down, we would have been able to overcome and produce a bill that would in fact be a betterment of the industry?

**Mr. Chahal:** Like what? Could you repeat it again, please.

**Mr. Lamoureux:** Yes. Let us say, for example, there are some concerns here, and we are talking about raising the fines from \$50 to \$500 in some cases. Let me just get the actual numbers. Let us say \$50 to \$100, from \$100 to \$500, from \$100 to \$250, from \$200 to \$1,000.

The first thing that comes to my mind is the question, is there excessive abuse currently that dictates the need to see that increase? If, in fact, the advisory committee would have been consulted, do you believe we would have seen that in this particular bill?

**Mr. Chahal:** Mr. Chairperson, I think some points were missing with the Minister of Transportation (Mr. Driedger) and the Taxicab Board. Most of the time, if a customer complains about the taxi driver, the companies take care of it very well. If it is out of their hands or somebody phones the Taxicab Board, they have a proper hearing. I think, if—I will repeat it again—if there is a second chance, only then you say, okay, give him a written warning.

I do not think the Taxicab Board surveyed many people or let the industry know, all the three companies, let them know, we are getting so many complaints from customers, so we are going to introduce this legislation. I never thought they surveyed anything on the complaints from the customers or even that they asked any company how many complaints they are getting from the customers.

### Point of Order

**Mr. Driedger:** Mr. Chairperson, on a point of order, just for clarification, the fine structure that the member for Inkster (Mr. Lamoureux) is referring to is for illegal operators, so it does not address any of the people who are legally in the industry. It is those who have been creating a problem for the industry that these fines are applied to.

For further clarification, the recommendations of these fines were passed before the group that met with Marcel and were the recommendations they came forward with.

**Mr. Chairperson:** The honourable minister does not have a point of order.

\* \* \*

**Mr. Lamoureux:** You see, Mr. Chairperson, the minister, with the presenter here, is actually making the case. What I am trying to argue is if, in fact, the industry would have been consulted prior to the legislation—and we hear the presenter saying that, in fact, they were not consulted. Then I asked the presenter, had they been consulted, what would have been the result?

The presenter says, well, had we been consulted, we would have made suggestions based on what our experiences are, what the real world is saying. Then the minister comes in on a point of order and indicates that, well, the member for Inkster, this was brought up at our meeting, and we believe we have resolved it.

\* (0950)

Well, that is really what I believe is the real problem. That is, had there been consultation on this particular bill prior to, had there been consultation within the board and the industry, not only for this bill, but for over the last five years, that, in fact, we would not have the problem we have today when we have an industry that feels so offended.

**Mr. Chairperson:** Order, please.

**Mr. Lamoureux:** My question, I guess, Mr. Chairperson, to continue on the same line, if you take a look at the inspections, the mechanics, now there is an impact, or the law says, if this passes, the board has to approve of the mechanic. Is that not right? I know the member for St. Norbert (Mr. Laurendeau) is shaking his head. But, in the discussions that I have had, there is an approval process now for this certificate, and it has to be approved through the board.

Is that Mr. Chahal's impression of that?

**Mr. Chahal:** They mentioned in this one here, and Mr. Minister and Mr. Laurendeau, they said, on that one there are 1,200 service stations set up across the country that will be looking after in place of MPIC.

**Mr. Chairperson:** Before I recognize you, Mr. Lamoureux, I remind all members of the committee that we have a number of people who wish to present this morning. They are waiting patiently, so I would hope the committee members would avoid any kind of debate among ourselves or with the presenters and follow the normal pattern of trying to seek information on the presentation that has been made.

**Mr. Lamoureux:** Mr. Chairperson, I am wondering, because it is in the legislation and I am trying to locate it right now, but the mechanic today, if a taxi driver wanted to or the owner of a taxi goes to get his car certified so that the board would be appeased, all you have to do is go to—you had pointed out it could be a friend at a local shop who might have certification. That has been taken away

and has been put in place by, the board has to approve of the individual who is making that certification.

Do you feel that is in fact in the best interests of the industry?

**Mr. Chahal:** Well, see, that is what I mentioned before when the minister asked me the question, that a service station man can do two things now: One, he can be buddy-buddy; the second thing, he says, oh, I have to make some money. He says, okay, you come to me, and I will inspect your vehicle. You are so unsafe, if you get it repaired from me, I will not charge you the \$30, \$40, \$50, whatever the minister said on that one. So I have got no alternative but to pay him \$40 and \$60 or get it repaired somewhere else. Then I say, no, no, why should I go? Why not save \$60, go to the same party, go to the mechanic? So it means, that particular shop, he can say, you know, this ball joint or, you know, this rear end, you know, this tire, so he can make a bill for \$700-\$800, maybe \$1,000, which is very unacceptable for the owner and operator.

**Mr. Lamoureux:** Was that particular issue brought up with the minister in the consulting that you did after the bill was tabled?

**Mr. Chahal:** We did not discuss it very openly. We discussed those things, like the first part, and we mentioned it, like it can be favourable for each other or it can be then—mainly why the fee, how much fee they are going to set down. That was the main issue that time, and slowly, when the time goes, you keep reminding more and more, the more you talk to the people that come on.

**Mr. Lamoureux:** Another concern that has been raised was the cost of the proceedings, and I am wondering if you might want to comment a bit more in terms of, if you are a driver and you have to go—in fact, the board, if it wants to, can call any driver or driver-owner to come before the board and then fine you in terms of having to pay for all of the costs of that particular board. I am wondering if you might want to comment in terms of your perspective on that particular clause.

**Mr. Chahal:** Mr. Lamoureux, I have to go a little deep on that one, because I was reading some amendment yesterday. The Minister of Transportation, he took out some cost away from the proposed bill, so I do not want to comment on that one until I see furthermore what he does on

that one. I think it should be right there. If you read it here, for example—I am sorry to take a little time—it says here: "No person shall directly or indirectly through an agent or employee . . ."—oh, no, sorry, 4(2) it is: Any person who violates this section is guilty of an offence and is liable, on summary conviction, to a fine, for the first offence, of not less than \$100 and not more than \$500, and costs. He took the costs away from that one, in his amendments, so I do not want to comment on that one, and in a few of them, he took the cost away. If there is no cost, or the minister takes it away, then I think we should not fight on that one.

**Mr. Lamoureux:** I want to go to Clause 18.1 in the bill and it goes: The board may order a person—do you have a copy of the bill in front of you, that will save me from reading it? Clause 18.1 basically, the board may order a person who is party to, or participant in, a hearing or other proceeding to pay one or more of the following: (a) all or part of the costs . . . (b) and (c).

I was more interested in your opinion on that particular clause because I know, or at least I feel, it would definitely have an impact on individuals that might even want to file a grievance, knowing full well that if they file a grievance, there could be a cost to it if they have a problem. If they have a problem and you come forward as a taxi driver and you say, well, gee, I do not like this. Well, now you know that the board has the power to penalize you for complaining.

**Mr. Chahal:** Yes, on my presentation on page 3, it says 18.1, Costs of Proceeding, it should be in front of you there. It says here: should be decided by the courts not by the board—inside my presentation here, 18.1. That is what I say. The minister took off some of the costs, but I have to see further down what he does. If it is there, then it should be amended and it should go to the courts and not in the hands of the board.

**Mr. Chairperson:** Order, please. We are going to have to take a five-minute recess while Hansard resets the tape in the machine.

The committee recessed at 9:58 p.m.

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### After Recess

The committee resumed at 10:03 p.m.

**Mr. Chairperson:** Order, please.

**Mr. Lamoureux:** Mr. Chairperson, I want to continue on with the line in terms of what I believe is a fairly serious problem. When you have given the board, and again I would ask Mr. Chahal what impact this particular clause will have on individuals that have a legitimate problem with what, in fact, the taxi board or something that has occurred, whether it is within the cab or outside the cab.

This is what I have a real problem with. If you have a board that ultimately can say you will have to pay for these costs, even if there is some flexibility from the minister and the minister says we will bring in an amendment that will at least in part alleviate that particular problem. By putting in a cost, what you are doing is you are saying to many different individuals that are out there that might not necessarily be able to afford an appeal, you are denying them the opportunity to go before the board to air their side of the story for the simple reason they know full well if this legislation passes and they do that, they can be financially penalized. Mr. Chahal is talking about the impact or the low wages that one receives, so I would believe that it would be a disincentive for anyone by having a fee structure that says you are going to have to pay if you come before the board.

I am wondering if Mr. Chahal would comment on that.

**Mr. Chahal:** The first one we were talking about was 4(2). That only mentioned if anybody does not have the proper licence to operate a taxicab on the road for hire. That was the cost you took out. That might be very small but how about the case if it goes a little longer or maybe a week or two weeks and all that cost comes around about \$30,000 or \$40,000 and the Taxicab Board decides, okay, so-and-so, you pay \$30,000 or \$40,000 and there will be no hearing, no appeal on that one.

The next one is for the gentleman to sell his house and cab and put the family on the road and then go on welfare, which is very ridiculous. This is heavily impacting the industry at this moment.

I have a comment for you. I think it was very unfair, Mr. Chairperson, for this Bill 24 made or written by the Taxicab Board. There should be a third party to write this bill, because it looks to me as if there is a conflict of interest inside the industry without consulting the industry. There should be a third party to write these kinds of bills, to study it, what is happening around and then go over the old

bill and write the new one, or amend the new one, whatever you think.

**Mr. Lamoureux:** In the response, Mr. Chahal brings up a very valid point in terms of the making of the bill in itself, and no doubt, once we get into the clause by clause, we will do what we can in terms of an opposition to be able to find out where this bill came from and why the changes that are being proposed are in fact being requested. Hopefully, government will attempt to justify it and those that they cannot justify, bring in some form of amendment.

Before I go on to that line of questioning, I was wanting to ask again, because I know it was briefly commented on in terms of the board, quorum, the idea of having members absent and a decision still being finalized. Being on the advisory board, Mr. Chahal would be familiar with many different individuals who work in the industry. What people really want, whether it is a day in court or a day before the board, is a sense of fairness. I am wondering if he can indicate to the committee members, does he believe it would be fair, or the memberships, or the people who he would represent, believe it would be fair not to have an individual board member there throughout the whole proceedings in order to make that decision. I know he had made reference to it a bit earlier.

**Mr. Chahal:** We would like to see—there are five board members now. We want all the members to be present for any kind of hearing right from the beginning until the end, and then five members should be sitting to decide the whole hearing. It is not like one person is missing. For example, I did not attend for three days and the fourth day I come and decide what was happening. We do not want it that way. It should be like a jury. We should follow the court system exactly to give fairness to the guy who is in trouble there.

**Mr. Lamoureux:** Mr. Chairperson, and I do not want to spend too much time on the quorum aspect, but I do want to say that we do have a real problem with the idea that someone can actually up and leave and a decision still be made. You could have, let us say, if quorum is set at three and you have five board members and three of them are present and then one of those three were to leave and another person who had not heard any of the details of the story comes in to maintain quorum, you could actually see a decision being made from a minority of members of the board that could have

a very severe impact on an individual. I take it by comments made from the presenter that, in fact, that would be unacceptable.

\* (1010)

What I would like to do, in the form of a wrap-up question to our presenter, and I will go right back from where I began by saying, it seems to me, whether it is this Bill 24, I know you spoke about the vans. You posed three questions to Mr. Norquay, and I am sure that once we get into the discussions of the clause by clause, we will try to get the answers for you that you had posed. But you posed questions. Those questions basically were based on information. You have made suggestions to the committee that you would like to have some input in terms of making or helping legislation, in terms of board decisions that are made, and I am wondering if Mr. Chahal can comment on that fact.

Do you believe that there was any form of consulting prior to this bill being introduced? I know that there was some consulting after it was introduced, but prior to this, in fairness to the government, and I would ask you on both accounts—one is with the government, and the second one is with the board itself—do you feel that there has been any consulting?

**Mr. Chahal:** There was no consulting at all with the industry. If they should have done—if the minister helped us last week to do it, I think we should not be in that kind of problem or should not be that hassle here.

The second thing, when I backed up one step for the minister, if there are members from the industry on board, if he can allow to sit with them at least, it means we are opening the door for the industry to co-operate, to sit down with the board to discuss openly before they make any decisions. Then you will not be asking any questions here because everything is done, all paperwork, all homework is done, which they do not do now. Then for the trouble, we are wasting money, we are wasting time.

It is taxpayers' money we waste here. The taxpayers' money is wasted all the time. On hearing like Tuxedo Taxi, how much money they wasted. I requested the chairman of the board here, of the committee here, that they should look into that one, how much money Taxicab Board wasted from the taxpayers' pockets for the hearing of Tuxedo Taxi.

The minister is imposing fees to cover the full cost. If there was no waste like Tuxedo Taxi or some other thing like that, I think there is not much cost for the Taxicab Board at all. So while we are paying for the Tuxedo Taxi, whatever the government lost is the government's fault and taxpayers are losing on that one, and especially the taxi industry is losing on that one.

**Mr. Lamoureux:** I can think of at least one, but I am sure that there are others in which in legislation it is mandated that an organization advise to, and then something. I am wondering if you as an individual and as a representative would support an amendment to the effect that would mandate the board have an advisory council and would have to consult with that council.

**Mr. Chahal:** Well, that is what me and Mr. Norquay talked about. He had 50 percent and 100 percent. I think he is sitting here. I am telling you right now. If still the same question comes, if they would have consulted everything the industry before, then it would be more easy, we should not have taken the minister's time when we were discussing with him, dragging him out of the Assembly last week. We should have given him enough time to rest and discuss other matters. He was squeezing the time in for us, and then one hour, one and a half hour and he might be having a shorter break for lunch, and we appreciate that he gave us time to listen at least.

**Mr. Lamoureux:** I guess what I am referring to is the fact of the advisory committee. How is the advisory committee struck? Is that appointments? Is that appointments from Mr. Norquay? Is it individuals who are elected from within? How is that struck?

**Mr. Chahal:** Well, Mr. Norquay accepts from the different groups, from the taxi industry, from Handi-Helper, maybe now one will be coming up from accessible van, all kinds of transportation groups under his jurisdiction, he picked out one question from each group. It does not matter that there are three people. He still takes one of them. He gave the opportunity to every group to represent what they think. If they meet together and discuss, they see the face of each other, who they are, and that is the best way.

**Mr. Lamoureux:** So if in fact we were to move an amendment that would allow or mandate consulting with this advisory board, would you feel

comfortable in the sense that the industry as a whole would then be better represented by having it mandated, or this advisory committee mandated to consult with the board?

**Mr. Chahal:** Exactly. We would feel more comfortable, Mr. Lamoureux.

**Mr. Lamoureux:** And then I guess it goes without saying, of course, you still believe that we should have in fact a board member also in addition to.

**Mr. Chahal:** Yes.

**Mr. Reid:** Mr. Chairperson, just a last couple of questions, picking up on the spot where the member for Inkster had made reference to the cost of vehicle inspections by way of Bill 36 and, of course, something that is now going to be incorporated by way of Bill 24 on the taxi industry.

During the debate on Bill 36 in the Legislature, the New Democrats had presented options that were available to the government's introduction of Bill 36. In other words, we wanted to have a continuation of the MPIC vehicle inspection program utilizing some \$800,000 a year profit that the government makes on the photo licensing program in this province and take that money and transfer it into the vehicle inspection program so that yourself and other members of the industry and members of the public at large would not have to pay that \$40 fee. In other words, we would be able to buy the equipment and continue the program under the MPIC.

Are you aware that when that Bill 36 was before the Legislature, Mr. Edwards, the Liberal Leader, spoke in favour of Bill 36 and the fact that it would impose that \$40 twice a year charge against members of the taxi industry?

**Mr. Chahal:** It was in here, too, but then he mentioned that Bill 36 was going on so we are taking that thing out in Bill 36 and we are going to make amendments on that one, so that is why we left it alone. That is what he assured us, that that will be more fair.

As I mentioned before, the cost—you mentioned the cost of driver's licence or taxicab licence, photocopy and all. You buy the equipment once only. So you spend \$1,000. It lasts for four or five years, maybe six years, so it is not much cost on that one. Only film—film is cheap. If you buy it in bulk, I think it is cheaper. So there is not much cost in making the licence. I do not know how \$800,000 or whatever it is or maybe a million dollars—we are

putting toward the photos, we are putting toward issuing the licences.

We have been doing it for years and years since we started this system. Why are we spending so much money on those things and recovering it from the industry and from the taxpayers?

**Mr. Reid:** I take it then that you were aware that Mr. Edwards did support Bill 36 and the extra charge that was going to be now put on the members of the taxi industry. Do I understand you correctly?

**Mr. Chahal:** Yes, that is right.

**Mr. Reid:** Okay, thank you.

\* (1020)

**Ms. Wasylycia-Leis:** Mr. Chahal, thank you for your presentation this morning. You are president of the Manitoba Taxi Association. Could you tell me how many people you represent?

**Mr. Chahal:** We are getting more and more now because we had a system going on, so more people are becoming members. I think I requested the Taxicab Board in writing in September to issue me the list of the total members. They did not give me a reply in writing, but they said they do not have the computer yet—which was a surprise to me—to issue me the total list of the drivers so I can contact them. I do not have enough time; I have a family, too. I requested them—being in the industry, I should be entitled to the list. Out of industry there is—something can happen or I can make phone calls or can tamper with anything. Being in the industry and being in the association makes me represent all of them. I should be entitled for that one, but I do not get any fair answer on that in writing yet.

**Ms. Wasylycia-Leis:** Has the association attempted to represent the interest of the owners and drivers in the industry?

**Mr. Chahal:** Both.

**Ms. Wasylycia-Leis:** You said in your opening remarks and your written brief that Bill 24 is a killer of the industry. In going through our correspondence, I noticed about a year ago, a little more than a year ago, your association—

**Mr. Chairperson:** Excuse me, would you bring your microphone up a little bit, Ms. Wasylycia-Leis? Thank you.

**Ms. Wasylycia-Leis:** —in response to the concerns about the fee increases, wrote to the Ombudsman and copied a number of us in the

Legislature about the economic situation facing those in the taxi industry. That letter indicated considerable hardship back then in terms of the industry and talked about increasing unemployment, how ridership had dropped off by—

**Floor Comment:** Dead microphone.

**Ms. Wasylycia-Lels:** It must be dead.

**Mr. Chairperson:** Would you like to try microphone No. 20.

**Ms. Wasylycia-Lels:** Can I start again?

**Mr. Chairperson:** I do not believe it is necessary to start again.

**Ms. Wasylycia-Lels:** Your association indicated over a year ago the economic hardships already facing the industry and how the fee increases were adding to that hardship. You talked about general economic difficulties, high unemployment, increasing welfare, ridership decreasing rapidly, and so on. Are you saying that Bill 24 will exert even greater economic hardship on those in the industry?

**Mr. Chahal:** It will because I am aware some of the drivers, they do not make enough money for their living, they have gone to welfare. They already have gone to welfare because they do not make enough money. Plus, the second thing if I am scared, if I make a little mistake, which is not very major, and in place of getting some warning or some kind of discussion with the Taxicab Board, I am scared that I will be fined \$1,000 I cannot afford. I think eventually nobody will want to drive, or I will not drive that one. I want to drive a cab, and I do not have money for my family for the bread or anything, why should I pay \$1,000 fine or \$500 fine when I cannot afford it, so better I should leave that job and do something else.

So eventually, the drivers will not be interested to drive the cabs anymore. The second thing, the public, they do not have money. They want to try to rob the driver. They want to assault the drivers. The third thing, we do not get fair treatment from the police if you call them. That is another problem now. It came into mind now. You call the police for some trouble, they do not show up, so nobody wants to drive the cab. It is getting very hard. People do not have any money. You sit for three or four hours. You do not make any money at all. So people are running away from that industry.

**Ms. Wasylycia-Lels:** Do you have any sense about the number of families who depend upon making a livelihood out of the taxicab industry? I am asking not specifically the number. I understand that there are approximately 400 owners and some 1,500 drivers, and I am wondering about how many—if you include the families of all those individuals, how many people are we talking about in Manitoba or in Winnipeg even?

**Mr. Chahal:** A few moments before, I added that one, that the Taxicab Board did not give me any list of the total number of the drivers. I am not talking about shareholders, I am talking including shareholders, drivers and shareholders. You put me in a hard situation. I think this question should go to the chairman or the secretary of the Taxicab Board, but I will answer. There is about 1,700 total drivers, 1,700 to 1,800, I believe—there is a margin on that one.

**Ms. Wasylycia-Lels:** So if we are talking about 1,700 drivers, we are probably talking over several thousand more members of families were all impacted by the state or health of the industry.

**Mr. Chahal:** I am sorry to cut you off. It is not 1,700. It is 1,700 average times four—almost all families have got four members, husband, wife and at least two kids if not more. We take an average of two kids. So 1,700 times four, I think that should be the right amount.

**Ms. Wasylycia-Lels:** So you are talking about almost 7,000—

**Mr. Chahal:** Seven thousand people surviving on the taxi industry.

**Ms. Wasylycia-Lels:** Could I ask you what—I do not know if you are able to provide this since you are not getting access to all the lists and all the information, but could you give me a sense of the average earnings of someone in the industry?

**Mr. Chahal:** Below minimum wage.

**Ms. Wasylycia-Lels:** Could you give me a sense about how many hours someone in the industry has to work on a daily or weekly basis in order to bring home below minimum wage earnings?

**Mr. Chahal:** Minimum per day is 12 to 14 hours. To make the payments—some people have got house payments, some people have got the taxicab payments too—they work up to 16 hours, too. I think I am going a little out of line, the trucking industry got some hours set there to work so many

hours, so many hours rest, and those people who pay \$150,000 for their tractor, for the truck, if they work, like, transport industry setting hours for them, I think they should go bankrupt. Some people are willing to work more long hours without any problem so that they can pay off, they can have a living at least. If you are going to make money and pay it to the bank you do not have any living, so what is the use of business then?

**Ms. Wasylycla-Lels:** How does a family, say, averaging four members survive on the earnings of less than minimum wage?

**Mr. Chahal:** Most of them when the kids grow up a little, about 16 to 18 years old, they are able to work, they will go and their wives are working. They are working seven days a week, sometimes six days a week. They work overtime or whatever and they are leaving the kids alone at home.

**Ms. Wasylycla-Lels:** How does someone in the industry working 12 to 14 hours a day have any time left for family, for leisure activities, for church, for whatever? I mean, how does this—do you have a life?

**Mr. Chahal:** Yes, you can only do two or three things. You can have a living or bread on the table or you can enjoy your life. If you have to put the bread on the table for the kids and for the family, and then you have to work, you have to sacrifice something. Now, for the sake of everybody to make the legislation we are all sitting here. We are sacrificing our time. I think the minister should be out somewhere taking a holiday now. What are they doing, sacrificing something for somebody. So somebody has to sacrifice for a living, for putting the bread on the table. If they do not put it—if they do not sacrifice their enjoyment then they will go bankrupt and go on welfare. You need not work. You wake up anytime. You do whatever you want to do then. Easy money—easy come, easy go.

**Ms. Wasylycla-Lels:** So even before the impact of this bill we are talking about a situation where those in the industry are scraping by on less than minimum wage, are needing extra sources of income in the family, are working impossible hours or hours such that there is no time left for family, so there are a lot of sacrifices you have mentioned. Are you saying then that this bill with its changes in terms of fees and fines will in fact—you are saying it is going to exert more hardship. Does that mean

it is going to push a considerable number right out of the industry entirely?

\* (1030)

**Mr. Chahal:** It does. Okay, it is very slowly weeding us out. It is very slow out. You do not find people coming for driving. They look something they are going to do it plus they can drive the cab whatever the time they find in.

If some owner has to pay the mortgage of the house, and he does not make enough money, he says, no, I cannot afford giving it to the driver. So that driver, the pretty good driver of the car is out on welfare or looking for something else. If he cannot find something else, and he is not on UIC, he has to be on welfare.

So if there is money coming in, the owner can say, oh, okay, I make, for example, I am driving when I make \$100 a day in 12 hours, and then I can give to the driver, then he can say, okay, I will make our office payment. I can pay the taxicab heavy expenditure, and then I can pay the mortgage payment. But if he does not make any money, eventually he will work longer hours to have a living and to make his payments.

So it means he is throwing the driver out, so it means we are employing less drivers that way. Second thing, people are scared the way the Taxicab Board is acting now for the heavy fining, and now they are scared to drive cabs so that they will not be able to pay the fine, and they will not be driving in the future at all.

**Ms. Wasylycla-Lels:** So, Mr. Chahal, are you suggesting that the industry is already on a very precarious footing, that the hardships under this legislation may lead to higher social—people turning to welfare, being unemployed, which only means higher costs for society as a whole? Are you suggesting that what is needed is—what are you suggesting? Is it support for an industry as opposed to making it harder to make a living?

**Mr. Chahal:** High cost of the Taxicab Board is making the living very hard. There are some drivers who cannot afford to pay \$40 or \$30 to renew the taxicab licence. There were some people who borrowed the money to renew their licence, and they will be paying little by little. I know some of them. They will be coming around here to some of the drivers. They do not have any money.

So even though \$30 for renewing the license from \$1, and after that \$5, it was too much. It should

be very reasonable to encourage people to join the industry. More people should join the industry. At least that way they are working. They are not on welfare. They are not spending the taxpayers' money. People are willing to work, but if the government makes legislation like that, then people will not be working at all.

**Ms. Wasylycia-Lels:** What you have said about the impact of this bill and the potential for killing the industry has been said by others before you in something we have heard in our meetings with people on this bill. Given that, can you give me any insight as to why the government would be going down this path? Do you get a sense that they want to kill the industry and start over again with their own vision?

**Mr. Chahal:** Well, I think the government wants to recover the costs. If the government wants to recover the cost, I think we should not have public service commission entering the Taxicab Board or any other industry from where they are recovering the cost. It should be a private body looking into handling those departments. So the department can pay their wages and all other expenditures occurred from the services. It should not be a government body.

Now, the taxi industry is paying twice. For example, once we pay as a taxpayer, that money goes to the government pocket. Second thing, the government, same government we elect, they want to recover the cost of offices from us. So the taxi industry is paying twice, both ways they are taking money from them. That is what I say all the time, politicians and in taxpayers' pockets. Why should we pay twice, once paying the taxes going to the government, and then through the industry they want to recover the costs from us. Why should we pay twice for the same industry?

**Ms. Wasylycia-Lels:** Is it not the case that in fact you pay more than twice? I understand that in addition to all the costs you have outlined, those in the taxi industry must also pay for spots in front of hotels in order to meet the requirements of individuals needing transportation to and from hotels. It seems that you are having to pay for as well, as my colleague the member for Transcona (Mr. Reid) said, the fees at airports are another good example. You are having to pay for something when you are providing a service to the public, so are you not getting hit even more than twice?

**Mr. Chahal:** The Manitoba Taxicab Association wrote a letter some time at the end of September or the first week of October to the Taxicab Board to ask the city for more taxi stands wherever the buses can turn—buses are turning now in rush hour and the taxis should be allowed to turn, loading and unloading during the rush hours which they do not allow.

Up to now, nobody has taken action. They have it in the letter and I have a copy of that one. After that, I talked to the Taxicab Board, and they did not give me any positive reply. They guided me to go here, go there but I do not want to do it. If I have to do it, I am not paid from the association at all a single penny, but I have a family to support and what about the Taxicab Board. If they cannot do anything for the taxicab industry, why should they be there then? What are we paying them their wages for? Why are they recovering the money from us to run the industry—I mean to the office?

They should be doing these things so we can cut costs on paying to the hotels, paying to the airport, and wherever we have to park, we have to pay for that one. So we are paying, and they are not looking after the welfare of the industry at all. When we suggest something to them, then we have to run to the councillors, we have to run to the city, we have to run to the M.P.s, and we run to the MLA's office. They do not listen to any suggestions, they just come up with this piece of paper here.

**Ms. Wasylycia-Lels:** So what you are saying is that the taxi board is not helping those in the industry do their job, meet service requirements, earn a living. Instead, they have become a policing body reflecting certain interests in the business community. It would appear that your association is left to try to meet those needs of the members. Do you get any kind of grant from the provincial government to help meet those needs of your members?

**Mr. Chahal:** I have a bill lying in my car. It is almost \$400 now, the association does not have any money to pay that bill. It was from the Union Centre from the last election from last year. Should I bring it down, if the industry, the Taxicab Board can pay that bill because we belong to the industry? We are working for the industry and we are helping them. We should not only be helping them, we should be suggesting to them. They are Manitobans, Manitoba Taxicab Board.

They are dealing with the city. They have more power than the city. They can ask them to do these things for the industry, not for the industry but for the tourists, for the visitors, for the people who come for business in this city. If we do not provide them services in the rush hour—for example, if Ms. Minister is standing at 444 St. Mary's, arrives at the building say about four o'clock or 4:30, I come to pick her up and I see the commissioner standing there, I am going to get a ticket if I stop there and load her. I will just drive away and say that nobody was there.

What she feels from Toronto or from Ottawa, what kind of taxi service are we providing them when we are under pressure, the commissioner is going to give us a ticket. I got tickets lying in my car or maybe some of them here in the file here. We should have loading and unloading at rush hours. I think that should answer your question how the Taxicab Board is looking after the industry for their good things but all the time they want some money from their pocket, they are not doing anything for them.

**Ms. Wasylycia-Lels:** So your association does not get any kind of funds or assistance or grants from the provincial government?

**Mr. Chahal:** No.

**Ms. Wasylycia-Lels:** You talked about the power of the taxi board and how that power will grow under this act. The minister said, the board is quasi-judicial. It almost seems from my reading of the bill that it is much more than quasi-judicial, it has all the powers of a court of law and can make enormous judgments with no appeal mechanism.

Would that be your assessment of the bill?

**Mr. Chahal:** Well, that is what we wanted. I mentioned in my presentation here, page 3, 18(1) Costs of proceeding. It should be handled by the courts. That is why the courts are there.

If the Taxicab Board is handling that one or other departments handle these kinds of situations, I do not think we need the courts.

**Ms. Wasylycia-Lels:** I think that is a good point. I do not know of other situations, other boards that have this kind of power and this kind of authority. I think, for example, of the medical profession. There is a self-regulating body, but there still is provision for going the legal route, for going to court, for seeking justice in other ways.

Is it your sense that this is quite an unusual setup in terms of the taxicab industry?

**Mr. Chahal:** Well, you bring a good point. If other boards do not take any powers like that, why is this board interested to take power in their own hands?

I think you should ask Mr. Minister when the third reading comes.

**Ms. Wasylycia-Lels:** My final question is really to ask for your advice for how we handle this bill. The minister has come forward with some amendments. Should we look at those amendments and consider supporting the bill because of those amendments? Should we bring in our own amendments? Should we scrap the bill altogether and try to persuade the minister to pull it off the table, consult with the industry and start again with a better piece of legislation?

**Mr. Chahal:** It is my personal opinion, being the president of Manitoba Taxicab Association, at this moment the bill should be scrapped totally, and with the industry sitting right there they should consult and discuss everything and then rewrite the whole thing. We do not mind. I think from the association's side, we do not mind if they do that with us, a very fair way to do it.

**Ms. Wasylycia-Lels:** I would just like to thank Mr. Chahal for taking the time and giving us such insightful and thorough responses to our questions and concerns.

**Mr. Chahal:** Thank you very much.

\* (1040)

**Mr. Chairperson:** Before I recognize Mr. Lamoureux, I would like to again remind the committee members that this is not a time for debate, particularly the honourable minister and Mr. Reid and Mr. Lamoureux, that it is certainly not a time for partisan political debate.

I raise that point in recognition of the 29 or 30-odd presenters, many of whom have been waiting patiently in the room, and I suspect they would prefer to have the opportunity to make their presentation rather than listen to a partisan debate that may take place in other parts and other forums.

I would remind you again the purpose of the committee is to clarify or elaborate on statements made by the presenters. The question-and-answer component of the presentation is for the benefit of the members to gain a better understanding of the presentation and the brief.

I would ask all honourable members in their questioning to bear that in mind.

**Mr. Lamoureux:** I will abide by your advice, given the number, even though it is awfully hard to resist yesterday's comments about the Leader of the Liberal Party (Mr. Edwards) and today's comments about the Liberal Party. I will assure the member for Transcona (Mr. Reid) and the New Democrats that on third reading I will take a considerable amount of time and talk about hypocrisy and the New Democratic Party.

But, Mr. Chairperson, for right now, I want to just seek a bit further clarification, and that was with respect to the mechanics. In the bill it says: "(b.1) require every holder of a licence or permit who operates a taxicab to file with the board periodically, or upon request, a certificate of a mechanic, issued in a form that is acceptable to the board and by a person . . ."—and this is what is most important—" . . . who, in the opinion of the board, is a qualified mechanic . . ."

That leaves it completely wide open. I would be interested in hearing your comments with respect to that. The question I would put on it would be: Have you heard of any abuse of any nature that would justify taking such draconian action of that nature?

**Mr. Chahal:** Mr. Chairperson, I think everybody should be aware of what is happening in Toronto.

I know London, England has the same system that is going to be in Bill 36. There are lots of views about that one. To give fairness, it should be with the MPIC. It should not go into the private hands, the private sector, at all. It should stay with the government for the fairness not only of the taxi industry, but for the riders who ride in the taxicabs, too.

**Mr. Chairperson:** Thank you. If there are no further questions for the presenter, I would like to thank you very much for your presentation this morning, Mr. Chahal.

**Mr. Chahal:** Thank you very much Mr. Minister, and the members, and the honourable member Mr. Driedger. Have a nice day.

**Mr. Chairperson:** I will now call No. 4, Martin Boroditsky, private citizen. You may begin when you are ready, sir.

**Mr. Martin Boroditsky (Private Citizen):** Thank you, Mr. Chairperson. I would like to thank the

members for being here. I hope you can benefit from this process. The taxicab industry is very complicated.

I am making a presentation today as a private citizen. I have been employed within the Winnipeg taxi industry for most of the past 13 years. I have worked extensively as an employed driver, the last three years on night shifts. I have also dispatched taxis and have generally made my living from the industry. I have also worked as a sports promoter, as a human and civil rights lobbyist in community development, and as a reporter.

For the past year I have worked with concerned drivers, owners and customers in producing the Taxi Observer. The Observer has been a microjournalism project in which I have applied the standards applied to other industries and the way government regulates them and have published factual stories about the happenings within the Winnipeg taxi industry and the Taxicab Board.

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

With my partner Phil Walding, I have been able to compile and analyze documents. In effect, we have been conducting a study. The conclusions that one may draw from the facts are disturbing.

I have identified a number of problems that Bill 24 will not address or correct. In truth, Bill 24 will perpetuate a system geared to the needs of a bureaucracy with no experience or understanding in the taxi industry and not to the public interest. What is needed is a serious overhaul and a full inquiry into the actions of both regulators and licence holders.

Case No. 1: Sexual harassment of a female driver by her employer. Rather than act on her complaint, the Taxicab Board old boys' gang buried it. Driver rep Randy Delorme was told the complaint, quote, did not have enough meat.

This inaction is not in the public interest. Indeed, knowing that the taxi owner intended to return to India, the cab board approved the sale of his cab and let him off the hook. This violates a Supreme Court directive of 1987. It is mandatory for regulatory bodies to investigate sexual harassment complaints.

Responsible organizations are also legally obligated to investigate such complaints. In this case, Duffy's Taxi, management wrote the complainant and said they, quote, have no control

over the conduct or the interaction of owner/operators and their respective drivers. This position is contradicted by company actions against drivers in support of unsubstantiated financial claims against drivers. The company invited her to write again if she had, quote, any other issues that really affect the company.

Imagine a taxi company saying that sexual harassment of drivers is not their concern and does not affect the company. Imagine a Taxicab Board that allows this. Imagine a Supreme Court directive being violated. Bill 24 will not solve this.

Case No. 2: Drivers threatening customers. A taxi customer has told me that a Unicity driver pulled a gun on him. The customer complained to the board and never heard back. He does not believe that the matter was investigated. This customer is a nationally recognized youth leader. He is not a crank complaint.

Again, the board does not protect the public interest.

Case No. 3: Insider trading of plates. In the April Observer, we published a letter from a customer named Armand Cote. Mr. Cote said that a director of Duffy's Taxi discussed with him a number of new company practices. The alleged intent of some of them was to cause a break-up of the company by engineering a financial crunch for dissident shareholders. Some of these tactics may adversely affect the so-called good will of the company name.

Cote asked the cab board to investigate. He believed that the business practices were a prelude to a forced merger and were not in the public interest. He pointed out that plate sales were being approved without full disclosure of the facts to drivers who were buying the plates. He believed that fares were inflated to support the plate value.

Mr. Cote is not a crank complaint. He is a former cabby and holds a BMCA accounting degree. He is an educated user. The cab board never responded to his complaint.

Bill 24 will not correct the abuses of the unregulated stock market in which plates are traded, even if the practices are detrimental to the public, dissident owners or the hundreds of employed drivers.

Case No. 4, our personal favourite: Tuxedogate. On April 29, the minister told the House that Tuxedo Taxi had its licences revoked and that, quote, everything that could be done has been

done for the trainees. That was untrue. Five months before the high-profile CBC I-Team report, the Taxi Observer ran an analysis of the driver contract scheme.

We asked if Frank Goldberg was using drivers' money illegally. The contracts were part of the business plan. The board allowed Goldberg to withdraw the contracts from the plan and still implement them.

No one in government, in any department, lifted a finger to help the drivers, let alone the cab board. Four agencies claimed to have investigated: the cab board, the Department of Education, the Securities Commission and now the Department of Justice. Yet none have ever interviewed former Tuxedo Taxi insiders. They say Goldberg may have lied to the cab board hearings.

No charges have been laid, and the drivers are still out thousands of dollars. This is all because the drivers and creditors trusted the integrity of someone deemed worthy of being awarded cab plates, otherwise called good will. Is this in the public interest?

Case No. 5: The disposition of the Tuxedo Taxi plates. The board ignored Randy Delorme's call for a hearing into the cab board's role in Tuxedogate. Rather, they rushed into a 30-day call for applications to give out the returned plates.

On April 29, the minister told the House that no one had complained about the time frame being too short. That was untrue. A drivers' co-op complained to the board 21 days earlier that they could not organize in such a short time and that the call favoured established interests. The cab board ignored the complaint and allowed applicants to file old or incomplete material and update it even 22 days after the deadline.

\* (1050)

Two applicants split the 40 plates awarded. One of them admitted to rising from Tuxedo's ashes. He admitted to having helped design Tuxedo's business plan, which included the driver contracts. He admitted wanting the plates in order to resell them at a later date. For a \$4,000 licence fee, he may now get \$1 million for the plates on the open market. He also had plans to establish a so-called forbidden zone, which is a common concept to so-called premium services in which inner-city residents are denied service or discouraged from

calling. This man was awarded plates. Is this in the public interest?

Case No. 6: An owner denies owning a cab. The cab board was given documentary evidence that a cab owner refused to co-operate with a driver's unemployment claim. He denied having employed the driver. He denied owning the cab in question, even though every cab board vehicle registration and company list available shows he is the owner. Another person replied and told UI that the driver had been self-employed, which is impossible under regulation. The board has the grounds to revoke the plate yet has not called for a show-cause hearing. The cab owner in question is a cab company president. Is this in the public interest?

Case No. 7: Regulation 65, retribution against the driver. The cab driver complained about harassment by another driver, which included detailed accounts of threats. The complainant filed a copy of the complaint with Duffy's Taxi. The manager of Duffy's is the co-employer of the accused. He wanted the complainant to return to the office and be cross-examined on his complaint before the cab board, which is a quasi-judicial body.

The complainant refused and was barred from dispatch service for four days. The driver was not denied his right to work because of an incident involving the public, it was because he had filed a complaint to the Taxicab Board.

On April 19, the board said it would protect any driver who was barred by reasons, quote, of his representations to and advocacy before the board. Despite a complaint from the driver, the board has not acted to back up its claim. Is this in the public interest?

Case No. 8: Conspiracy to extort money from employed drivers. In cases of sexual harassment Duffy's Taxi claims it has no control, yet with no hearing appeal or official court hearing companies have for years blacklisted drivers for a variety of offences real and imagined. This has included claims that drivers somehow owe owners money.

In many cases drivers have only been allowed to drive for owners who want to employ them by paying off so-called debts or fines to other owners. In many cases the political position of the owners involved has influenced the ability of the drivers to work.

Now Duffy's Taxi management is enforcing collection of alleged debts claimed by Unicity Taxi owners before allowing drivers to continue their right to dispatch service while employed by Duffy's operators. Drivers consider this extortion and a means of political control over drivers and owners who are not in favour of the regime of the day.

The practice of barring drivers is of long standing. The practice of barring drivers between supposedly independent companies is a recent innovation and is considered by many owners as an illegal intrusion into their affairs by company boards who hold a common agenda.

If Duffy's has no control in matters between owners and drivers, particularly with regard to sexual harassment, why are drivers made to pay blood money to work? Again the board has received evidence of receipts issued for debt payments between companies and has not acted, and this is not in accordance with labour law. It is viewed by many drivers and owners as reverse discrimination as the victims are often white drivers. This is not in the public interest. The board has not acted.

Many of these cases are rooted in the grand dodge of taxi service dispatch companies. The board claims it does not regulate their practices, yet in the regulations, No. 37, they mandate that dispatch be available 24 hours a day. This is like telling the drivers, law-abiding shareholders in the public we serve, the board regulates hours of operations but all hell can break loose otherwise and we do not care.

The board thinks we are all stupid. Bill 24 does nothing to regulate the activities of licence holders who manipulate their dispatch company, the company powers, and yet still deny that the company functions as agents of the shareholders.

Dispatch services are allowed to undertake business plans that endanger drivers' lives and safety. Often this is done with board knowledge and approval. Markings such as logos have been allowed on cabs that are invisible at night beyond a distance of 30 feet in clear weather. Darkened windows were allowed because board officials thought it looked sharp. Both conditions made identifying drivers in trouble difficult. The board received complaints about this and did not act.

The board now wants to allow seven-passenger minivans as taxis. Drivers like Danny Magis are

being overpowered and nearly killed by groups of four. The cab board places their perception of the, quote, public convenience and necessity ahead of our lives. We are the guinea pigs in the board's bizarre free-market experiments.

A letter on safety issues was sent with a brief to the Deputy Minister of Labour in May. Department officials need time to study the complicated relationships within the industry to determine who has which rights and which responsibilities. Areas involving human rights, employment standards, safety and health, et cetera, need defining and guidance.

Not only has the board refused to do so, they have not acted on our request to issue a cease and desist order to prevent dispatch services from enacting new policies and from harassing drivers working with other government agencies to solve the problems, is not co-operating with other agencies to ensure that laws are being observed within the taxi industry and the public interest.

A system of benign neglect was in place for 45 years. It has now collapsed. The board hide like cowards behind their narrow interpretation of the regulations. They claim the compliance with law only pertains to transporting fares. This definition is further narrowed whenever it suits the board. For instance, insurance liability has become a flash point within the industry.

The act states that the board shall ensure that owners hold insurance, quote, to make compensation for the death or bodily injury to persons resulting from the operations of a taxicab. This spring Duffy's drivers discovered that the company did not hold liability insurance outside of the taxicab and that the company board intended to make drivers sign a waiver. They mobilized and formed the greater Winnipeg drivers' group.

Despite company assurances that insurance policies would be in place, to this date there is no evidence that they have done so. The Taxicab Board denies that an oversight occurred. They say that operation of a taxi really means taking a customer from point A to point B.

Last fall a cab customer was allegedly murdered by a driver when the driver attempted to collect the fare inside a 7-Eleven store. This case is cited in the Bill 24 spreadsheet as a reason to strengthen penalty provisions for nonpayment of fares. If the accused is found guilty and is found to have been

operating a Unicity Taxi, the widow and three small children will be fortunate. We know that Duffy's Taxi would have had no liability insurance in place to cover what may be a million-dollar award.

The cab board is allowing the dangerous practice to continue. It is another lesson learned from last fall's incident. The cab board has not learned it. It is hard to admit that maybe the board was wrong. They prefer the practice of denial and blaming others. It is easy to blame a dead man.

The board has distributed in its training program and across western Canada their version of an incident in 1989 in which a cabbie was murdered.

In their published report the driver made four errors. The cab board version is inaccurate and alters specific details found in newspaper reports. It ignores the obvious failure and possible negligence of the board, Unicity Taxi dispatch emergency system, City of Winnipeg Police and even the department of Workplace Safety and Health.

The cab board version points at a cover-up. At the time, chairman Don Norquay told the media that the company procedures for safety would be reviewed and fixed. When the mass media stopped asking, as with Tuxedo Taxi, the drivers were abandoned.

I was a labour rep to a department of Workplace Safety and Health committee in 1987. When I pressed for concerns other than shields and training programs for rookie drivers designed to satisfy the Chamber of Commerce, I was rebuked and the committee was disbanded without completing its work. That work should have included a full review of safety features and procedures. By not doing so, I now believe that a death of a cabbie may have resulted.

In 1989, everyone besides the driver did not act responsibly, as the police were not called by Unicity Taxi when the emergency signal was not proven a false alarm. The Taxicab Board has admitted that certain aspects of the operation of Unicity Taxi in controlling taxi plates is illegal, yet they have not acted.

The board has received information about the illegal leasing of cabs to drivers, often at unrealistic rates. They have not acted. Last week the Taxi Observer discovered an unregulated taxi service was being operated by Zipper Courier. A 15-passenger van can be booked for under \$20 a hour. We were told MTS uses this service. This is

supposed to be against the law, but the cab board does not act against illegal services, and now their acquaintance Ken Bishop is using his courier status to steal our trips while we are expected to pay the freight for regulation. Bill 24 does not address this problem either.

Laws are meaningless without brains, courage and heart. The Legislature is being sold a bill of goods. Although at first glance the intentions of the act, regulations in Bill 24 seem clear enough, they do not deal with the reality. If the cab board continues to deny the obvious, refuses to take responsibility and allow the public interest and responsible shareholders and drivers to be ignored and abused, laws are meaningless.

\* (1100)

The bureaucracy acts as though implementing the will of the Legislature and protecting the genuine public good is an inconvenience or it is too time consuming or expensive. It is as though the cab board spin doctors deliberately undermine and subvert the process.

The idea that Bill 24 will pave the way to a better industry, better service and better regulation is a fallacy. The notion expressed by the minister on April 29 that the proposals to increase fees and fines will establish a basis to break even and have the cab board hand over the functions to the City of Winnipeg is also a fallacy. It is like expecting the city to assume the \$22-million mortgages on plates for an industry based on a collapsing foundation. The city will not do it.

The choices are as follows. Bill 24 can be withdrawn. If the drivers are going to continue to be treated like slave labour, they will follow Ken Bishop and serve the public outside of regulation. Drivers are human beings who are entitled to protection under all laws of the province, not just the laws which are convenient to politically oppressive dispatch services and the Taxicab Board. An amendment to the bill which says that the board shall not issue licences to business licence holders who individually or through their dispatch company are violating labour, employment or human rights law would be a start.

If you vote for Bill 24, you will be saying to the public, concerned and responsible owners and drivers and to regulatory bodies around the world that the following practices are acceptable: Sexual harassment of employed drivers, threatening fares

with firearms, extortion rackets, an unregulated stock market in plates, insider trading, high fares, oppressive driver contracts, discriminating against inner city residents, lying about owning a cab, denying free speech, racism, lack of safety standards, covering up officials' mistakes that resulted in a driver's death, violations of labour and human rights law, not co-operating with other agencies, inadequate insurance coverage and illegal business practices and unregulated taxis.

That concludes my text.

**The Acting Chairperson (Mr. Sveinsson):** Thank you, Mr. Boroditsky. Do any members of the committee have questions for the member?

**Mr. Reid:** Mr. Acting Chairperson, I thank Mr. Boroditsky for his presentation here. Quite frankly, I am a bit shocked by what I am reading here today and hearing here today as part of this presentation. It appears that the presenter is making many charges, in fact, some outright accusations of failure to protect not only members of the industry, but members of the public, as well.

I think it is important that we ask Mr. Boroditsky to expand on some of these because if we find that the Taxicab Board and indeed the minister who is responsible have been in some way lax in enforcement of the regulations, the regulatory process that is in place, then I think it may be incumbent upon us to ask the minister and his department to explain this. If, indeed, our questions do not receive the adequate answers to them, I think it may be incumbent upon us to call for a full inquiry as to why these practices are continuing and indeed taking place.

So I think with that, Mr. Boroditsky, you have talked in particular here about sexual harassment of drivers. You have talked about the fact that Tuxedo plates are going to be handed out again without a proper process in place and, in fact, you have mentioned here a forbidden zone, a new term to myself, something I have not heard before. You have talked about several areas.

I suppose I should talk about the Tuxedo business plan and, in fact, that these plates are now going to be resold to another firm or another two firms, I think you said here. Two applicants will split the 40 plates. I sense by what you have said here that these plates will then be flipped, and the individuals involved may get a million dollars by market rates for the turnover of those plates.

Can you give me some idea how you know this to be the case and give us some background on your information that you may have come to know?

**Mr. Boroditsky:** My understanding of the process by which people were deemed worthy of holding plates is the idea of good will and public trust.

When Tuxedo Taxi turned back its plates, they were not revoked by the board. The board rushed into a process that in my opinion was designed to try to blur the facts, to try to rush through. Nobody examined what the role of the board had been and what mistakes, honest mistakes, they may have made in the process of handing out the premium plates in the first place.

When you read the transcripts, as we have done in our study, when you study the documentation which government and the opposition generally does not have the time to do, it is apparent that there are some inconsistencies that should have been addressed.

A meeting was held on May 12 at the Marlborough Hotel by Classic Cab, which was a prospective bidder on the plates. Two of the partners in Classic Cab came from the realm of Tuxedo Taxi. The idea espoused by one of the partners, by the founder of that proposal was that they wanted to find up to 50 investors who would provide them with \$625,000 in share capital so that they could start this world-class premium taxi service.

Of course, if they needed 625 grand on the eve of the hearings it really makes you wonder how they thought they could proceed and end up getting plates, but they held a meeting that was poorly attended.

The chief inspector of the cab board was there and he would have heard the founder of Classic Cab, Bob McGregor, say that their intention was as follows: The cab board cannot sell the plates at 50 grand a pop. They can only charge the \$200 licence fee. If we get all 40 plates, we spend \$8,000 and five years down the line—actually, I think the term he used was three years down the line—if there is a prospective buyer for the company they have to take into consideration the value of the plates, which would be \$2 million.

So they had this complicated repayment plan and the bottom line was they figured they could pay out their investors in 36 months, let them retain a 10 percent gratuity and the three partners would hold

90 percent of plates that they intended to sell in five years.

Now, McGregor said it would be inappropriate to sell the plates in three rather than five years because then it would look like you just did it to make a pile of money. That is a direct quote. He figured the extra two years wait would make sure that all the MLAs forgot, that the public forgot and that the media forgot. In the end, by putting out \$8,000, you end up with half the plate award. By putting out \$4,000 for licences and finding a financial backer, the plates are held in this guy's name. Whatever deal he has with his backer—originally was supposed to be a 10 percent retainer—these guys are going to end up pocketing—their only intention was to get the plates, not to serve the public as is proven by the forbidden zone, but to become a millionaire.

There are lots of ways to become millionaires, but I am not sure trading in public plates is supposed to be one of them. That was his intention. He said it at a public meeting. The cab board awarded this guy plates. I do not know if that is in the public interest.

**Mr. Reid:** Mr. Boroditsky, how were you aware that the holders of these new licence plates for the superior taxi service, a luxury taxi service is going to establish a forbidden zone? How did you become aware of that, and can you elaborate on that for us?

**Mr. Boroditsky:** Some time after May 18 or 19—because I am not positive that this information was in the possession or had been turned in to the cab board during the hearings to that point—but some time after that, we came into possession of an operations manual of this company. It had this whole code, with sections and subsections, very elaborate code, that proposed a number of very elaborate business practices. They wanted to restrain drivers, for instance, from being able to serve on the boards of other companies without the approval of the employer. In other words, if I wanted to sit on the board of The Winnipeg Foundation, I would have to get Bob McGregor's approval if I was a cabbie for him.

\* (1110)

There were some other provisions that upon closer analysis did not really stand up to scrutiny to those of us who work and understand and study the industry, but this proposal did include a provision

that telephone operators would never tell customers that a cab would be longer than 20 minutes unless the call came from within the, and the quote was, forbidden zone. Now, Frank Goldberg had the same premise. He admitted it after he was awarded the plates, on CJOB. He said right on the air, with Councillor Joe Yuen, who was on the cab board and presumably would have been awake at the time—with Joe Yuen right there he said on the air, oh, well, we will not be servicing certain neighbourhoods or Main Street hotels. Those, by the way, included Councillor Yuen's own constituents.

The plates are not handed out for Charleswood or Windsor Park. They are handed out for the whole city. Now, Bob McGregor came from Frank Goldberg. He worked for Frank at Tuxedo Taxi. It does not take a genius or a Rhodes scholar to figure out what forbidden zone referred to. Forbidden zone did not mean Iles des Chenes, because that is a \$40 trip to the airport. Forbidden zone obviously referred to the kinds of fares that premium service would prefer us guys that toot around town in Diplomats take, the so-called unsavoury characters, the rougher end of things, working class customers, customers who are in distress, customers who maybe are bleeding and need to go to the hospital, customers who maybe have been involved in a domestic dispute and need to go to Osborne House.

For a proposal to be known to the board to include even the idea of a forbidden zone raises a lot of troubling problems. I believe that what happened in this premium plate award a couple of weeks ago was the board reviewed the program and said, well, this is acceptable and this is not acceptable and that is all very well and good. Don Norquay is an intelligent man and the board should know right from wrong, but if I have a guy applying for a job with me and he says something stupid like that, he is out the door. I am not going to let him write for my newspaper. Just because somebody says, I will not do it, I do not think that is an adequate way to assume that the public interest is going to be protected in their operation of the business.

The board saw that was clearly the intention to have a forbidden zone and that, to the drivers and the responsible shareholders and the regular cab industry who serve the public, is very irksome. It is very disturbing. That is our public who are going to

be discriminated against and that is not fair. If they have the bucks in their pocket and they want to take a premium cab from Dufferin Avenue to go to the casino, they should not be subject to the inner workings of a dispatch service.

The way the cab board regulates things, they could not in a million years without the help of the employed drivers find out the discriminatory dispatch practices were taking place. They could never do it without the drivers ratting out the company, which is why the company, in the case of Classic Cab and the established companies, try to interfere and prevent drivers from having a positive relationship with the board and with board inspectors by harassing them.

**Mr. Reid:** So if I understand you correctly, Mr. Boroditsky, you are saying that the Taxicab Board knew of the forbidden zone, as you call it—were aware of this. They approved the plan and they were condoning the actions of the applicants to start up that business and were, indeed, saying that it was all right for those new applicants to not service a portion of the public who may wish to use the luxury vehicles and, indeed, were condoning the actions of a forbidden zone.

**Mr. Boroditsky:** No, sir, I did not say that. I believe I indicated that I think the cab board reviewed that and said it was unacceptable. There were a lot of inconsistencies in the Classic Cab proposal. For instance, on May 12 they distributed a financial plan that lacked four essential areas of operating a cab company. They showed the investors a plan whereby the company projected a profit of \$169,000 in the first year on the pro forma statement ending September 1994.

The next week the cab board got information showing the company would have a loss in its first year of \$60,000 or \$70,000. Somewhere in the course of a week the company revised the figures; to attract investors they show it will be profitable. To the cab board they show something that is more realistic. The fact that somebody could have developed that is to me very troubling and should have been questioned. I do not believe that was questioned.

The original proposal did not include taking GST off the meters. It did not include paying vacation pay. There were a number of calculation errors and inconsistencies that we analyzed through the Taxi Observer and provided to driver rep Randy

Delorme who was an intervener. There is a pattern where the board seemed to be so concerned and continues to be so concerned with engaging in free market experimentation of the cab industry that they ignore common and good sense. If somebody has a record where he shows investors a profit one week and shows the government a loss the next, I would say that smells like a rat. The cab board did not seem to think it smelled at all. They gave the guy 20 plates, and I think that should have been reviewed and answered.

The board has trouble interpreting data because they do not understand the industry. The drivers such as ourselves who have worked at personal risk on this microjournalism project for the last year have provided the board with the data, and they continue to ignore it, and it is hard to understand why. I do not believe they condone the forbidden zone, but the fact is they could not prove tomorrow, they could not prove next week or next year based on the way they currently regulate the industry that Bob McGregor does not reinstitute the forbidden zone.

**Mr. Reid:** So what you are saying then is that this piece of legislation will do nothing then to prevent any practices such as you are referring to from taking place. You say you have raised this matter with the Taxicab Board and other matters you mentioned here a moment ago.

Do you have any understanding? Did the Taxicab Board provide for you any explanation why they did not take any action on your concerns that you say you have raised with them?

**Mr. Boroditsky:** Mr. Reid, you are referring to the generalized concerns or the specific concerns with regard to Classic Cab?

**Mr. Reid:** Both.

**Mr. Boroditsky:** With regard to Classic Cab, those concerns were raised by the driver, Randy Delorme, who functioned as an intervener. The fact is there are regulations in place that say that cab companies must adhere to all applicable municipal, provincial and federal statutes in the providing of service to fares. So it does not mean under Bill 24 that a forbidden zone would be legal.

What I am saying is the cab board is completely inept at being able to supervise the industry in a manner that ensures not only the consistent application of law in the provision of transporting fares, but they completely deny having any

responsibility for ensuring that laws are observed in all other areas which includes dealing with employed drivers and other such practices. So the bill itself does not correct the shortcomings that the board has said it suffers because of what they claim are inadequacies in its own legislation, for instance, liability insurance.

The quote on liability insurance in the regulations is plain as day. I will read it to you. This book is basically what we use. It is the bible, right. This is the cab board's bible. I do not understand why in the last three months, Phil Walding and myself and Randy Delorme and the other people who care have become more familiar with this than the cab board seems to be.

For instance, markings—Duffy's changed the logos on their cars, and the markings are literally invisible at night. Now let us say a cab goes missing, and you want to find the cab. The drivers are alerted a guy is missing, and he may be in trouble. Thirty feet is not a big distance down a back lane and if you do not spot the reflection of that logo off your headlights, you figure it is just a car parked in a lane, and you are not going to investigate. You are not going to take a look and see is that a cab, is there a guy in there, is he okay? Has he been whacked? The board allowed blacked-out windows, which are an acknowledged safety concern.

Now, when a cab owner, who happens to be present here and is on the docket to address this committee later, complained and said that because the company management at Duffy's had this attachment to their new logo that they were discouraging people from complaining about it because it was their new look, he complained to the board, which said we cannot do anything. Yet when you open the act itself, it says with regard to markings on cars—I think this is in the regulations—it says the board shall approve of all signs. It says, this is in the regulations 19(2)(b)(iii): A sign painted or permanently fixed to the side of each taxicab that is clearly visible at all times.

They get a complaint from a cab owner, not just a whining driver, an owner that he feels endangered by the fact that they approved these markings, and the board's secretary tells him, we do not have jurisdiction. That is what they told us when we first inquired in January. Well, it is right here. They can force the removal of any sign that is deemed—and I think that was actually in the act—that is deemed

confusing. They did not act. We cannot do anything. Their interpretation of regulations, whether it is forbidden zones or markings or labour law or anything, is consistently to the detriment of the drivers, to the detriment of concerned shareholders, to the detriment of the public, and to the advantage of the bureaucracy which reduces its workload.

Why has there been no public consultation? I have been studying this industry for a year. This is the only study, to my knowledge, that has ever been done by people with expertise in the industry. We have risked our jobs. We have risked our lives to do this. I was never called. The next thing I know, I turn around and there is a bill.

(Mr. Chairperson in the Chair)

There are people in the industry, like myself, who have experience outside of the cab business in human rights, employment legislation and employment standards. We could have contributed to the process to make sure the bill addressed these problems. Then when we go to the board, either me personally through the newspaper, people who write my paper, people who go to the board and give us copies of things like the sexual harassment complainant, they get blown off. The board says, we do not have jurisdiction.

\* (11.20)

It is absolutely incomprehensible to me how this can continue to occur. Bill 24, you can vote for it, if you believe that all these things that we have not just claimed—Mr. Reid, these are documented. These are documented. This study, as I said, has been conducted at the risk of our own jobs and our own lives, and yet the cab board, in complaint after complaint after complaint, claims they cannot act.

If they cannot act, and we accept that at face value, despite the fact that on at least three occasions I found where they have, to our mind, misinterpreted regulations, well, then why do they not propose amendments to the bill so that they could act? It makes no sense.

I mentioned liability insurance. That is in the act itself, Section 15. The insurance company "shall bind the insurer to make compensation for the death or bodily injury to persons, and for the loss of or damage to property, resulting from the operation of a taxicab or of taxicabs by the insured."

The clause before it, "The board, before issuing any licence to operate a taxicab, shall require the

operator . . . to deposit . . . with the board such policy or policies of insurance, or copies thereof, as the board directs, in such amount or amounts, and in such form, as the board requires . . ." That is not just Autopac coverage in the amount of \$2 million. That includes outside the cab liability insurance. People with no education can figure that out.

Three weeks ago, I had the misfortune of grabbing a drunk fare, at the direction of the dispatch service, from a city hotel. The guy got in, he was tanked, he was abusive, and he said "downtown" and would not give me a destination. As we were driving, he was tanked enough to decide that I did not like Indians very much, which was somewhat inaccurate because I have three Metis children, so I basically told him to clam up, listen to the music, tell me where we are going, and we will just end this.

He points over across the street on Main Street to the Winnipeg Hotel, so I have to pull a U-turn. I stop and I am going to pull the U-turn, and he decides he has had enough. I guess the music was too much for him. He opens the cab door into an oncoming ambulance. That is the end of my shift. I do not get compensated for it. The car is wrecked. As this drunken fool opens the door into an oncoming ambulance, he flings his left arm out and cracks me in the shoulder. His fist goes from my shoulder into my face and bends my glasses. Here is a guy who, for an \$8 cab fare, and he had a \$20 bill in his pocket, has cost Autopac, the courts, the system over three grand.

I go to Duffy's Taxi, and I say, okay guys, I have to get new glasses. We can fix these, but they are not going to hold—we cannot help you. It took me nine phone calls to find out that because I was lucky enough to have been punched, Workers Comp will get me new glasses. These are \$400 glasses. That would have been solved if there was liability insurance inside the cab. There is to protect customers but not to protect drivers, and outside the cab it is fair game.

Yet, the board, in its own directives, in the regulations, says that a driver is required to assist a passenger by placing luggage or packages in and out of the cab, to assist a passenger in and out of a cab. It is against the law for us not to help a customer. Then we say, well, how can we be made to get out of the cab to help customers if something happens and I have three kids and there is no insurance coverage to protect us? Then they say,

oh, you are only required to go to the curb. Like Daryl Reid's grandmother is going to haul her luggage from the top floor of her apartment building all the way to the curb.

Clearly, they cut corners whenever they have to, and that is ridiculous. So if we accept that they are stuck by inadequate regulation from the horse and buggy era—they have not taken advantage through Bill 24 to solve that—I should not get cracked in the face at work and have to pay the price.

Then again, they should not be putting minivans on the road. If my owner puts a seven-passenger minivan on the road, I have a choice. Either I drive the damn thing or I am unemployed. Do you know how hard it is to handle four unruly passengers at a time? Are they betting on lucky seven? They want a guy to get stomped to death because of the public convenience, because families now have to take two taxis. Drivers feed their families macaroni and cheese. Big deal. They do not balance these concerns at all.

I can tell you from having been on that Workplace Safety and Health committee in '87—and this only came to my attention really as I have studied this in the last seven days, as I have gone into newspaper files—that I think there was a major screw-up in Workplace Safety and Health and the cab board back then that resulted in the death of a driver. To this day, it has allowed the board to function without having gotten a proper understanding of the balance between serving the public and protecting the drivers behind the wheel.

If our lives are in danger, there is no liability insurance and we are treated like dirt, it will not be surprising to you that the good experienced drivers, the ones with half a brain, will leave the industry. At this point, you have people who are not good cabbies, do not have the personal characteristics, the intellectual ability, the communication skills. You will be left with people who are not qualified cabbies, in the truest sense, behind the wheel and public dissatisfaction with service, right? You can be left with that, or you can be left with a situation where the drivers are just going to up and follow Ken Bishop's lead and start hauling passengers around on their own. This is garbage.

I can tell you that one member of the cab board itself defines what he has heard as a slave market. It is not far from wrong. Bill 24 does not correct it.

The board is aware of it. You, as MLAs, and the government side, too, have to ask yourselves, why would there not have been consultation with the industry? Would it have been because suddenly the bill would have made the bureaucracy work a little harder?

The purpose of Bill 24, as I see it, is to make sure this bureaucracy can slide for another two years until this mess is dumped on the City of Winnipeg, and they can slide off into retirement or lateral transfers within the Department of Highways. I say that based on my experience as a reporter who covered this House, and somebody who has vast experience out there in the community with ethnic communities and with women's groups and with child protection agencies, and the various things I have done as a citizen of Winnipeg, I am not saying that the cab board is in and of itself, bad people, but they have the weirdest way of looking at things. I mean, MLAs from both sides of the House, governments of all stripes have weird ways of looking at things, but for Christ's sake, people's lives are in danger here.

You have got a bill before you, and it is a bunch of garbage. It is a waste of paper. It is a terrible waste of time, and I am aghast at this. All this would have taken is what we have done, 18-hour days for weeks on end, studying the documents and piecing the story together, but the cab board opens at nine and closes at five, and generally, so does the bureaucracy.

This is a 24-hour-a-day business, 365 days a year. It cannot be regulated on the basis of what goes on from nine to five, Mr. Reid, and that is what Bill 24's problem is. It looks like every customer is a clean person and every driver is a responsible citizen, and neither is true. We acknowledge that.

I believe there is a need for regulation. I do. But if it is a choice between no regulation and this, please, give me no regulation, and my life will be safer.

There are 1,500 drivers by the end of a fiscal year that go through the system, that depend on the system and think the system is protecting them. It does not, and Bill 24 does not. As I said, every claim that is made in this presentation is documented and has been compiled in the course of last year. It has been available freely to the board.

We have had a good relationship with the board, but it is not unreasonable for me to come here and point out that they have not acted on complaints that you as MLAs say reasonably should have been acted upon. I think it was reasonable they should have acted upon them too. That is why I either brought it to their attention, directed readers to do it, or got the documentation back and asked questions to do news stories.

It is not an unfair premise. It is up to you to ask the cab board what the hell is going on here. I do not understand it anymore. I am told that we have the best compilation of genuine research into what goes on day to day in the industry, and I do not get what is going on anymore.

I have been in the business for 13 years, and it is only in the last three months that it has really dawned on me what a stinking mess this is from top to bottom. The drivers are the whipping boys of the system. The drivers get dumped on.

What is going on is, it is a house built on a teetering foundation. The drivers live in the basement, in the dark, in the cold, in the wet, and we get the garbage dumped on us down the chute because consistently everything that goes on in the industry is to the detriment of the employed drivers.

\* (1130)

With only three inspectors on staff, the cab board cannot regulate the industry. They require the drivers, who do not have to protect the \$50,000 plate—we just want our damned jobs—they rely on us to be able to tell them what is going on, but they do not protect us. They do not give us the protection so we can keep our jobs and help them protect our customers. The system is in a state of collapse.

So if you want to go on summer vacation, you can pass this bill, prorogue the House, go on vacation and ignore cabbies for another 45 years. I have only risked my job, my future, the future and jobs of my associates and the people that support this paper to bring this forward today. I may not have done my part, maybe I have, but it is a mess all the way through.

**Mr. Reid:** That was quite a response, Mr. Boroditsky. I thank you for your comments.

You had mentioned in your presentation here that you were a member of the committee that was dealing with workplace safety and health issues in 1987. Were you ever provided with any

explanation—because you have spent so much of your time in your comments dealing with health and safety issues for drivers in the industry and industry members—any reason why this committee was disbanded?

**Mr. Boroditsky:** I was the original labour rep before Randy Delorme. This was an implementation task force that was formed out of the department of Workplace Safety and Health, taxi drivers' safety task force that occurred after two murders in 1987. I was identified as one of those antishield lobbyists, and I was asked by Professor Fox-Decent to serve on this committee.

I can tell you that what went wrong with the committee was that Gerard Lecuyer, the minister of the day, did not give a damn. He did not care. He knew there were things wrong in the committee.

When I suggested that part of workplace safety and health was, for instance, dealing with job stress, when I suggested that the employment standards in the industry needed to be addressed to give the drivers a better understanding of their working relationships, and the responsibilities of the employers, and safety, and the drivers' rights and responsibilities, oh, no, that was the last thing they wanted to do—the last thing.

Wally Fox-Decent and Jane Riewe [phonetic] from the department of Workplace Safety and Health and their consultant Dillis Robertson [phonetic] did not give a damn.

So the more I squawked—and maybe some of the things I did at the time politically were incorrect, maybe some of them were impolitic. I was younger and had less experience, but my concerns were genuine and legitimate. They disbanded the committee. I got a letter, after I was complaining about how they were proceeding with things, saying, well, we would like to thank you for the completion of your term. Our work is done.

That was not true. There had never been a proper safety audit of the companies. To my mind, it did not complete what was going on, but that was it.

What I complained about was that the cab board at the time accessed the Department of Labour monies intended for the retraining of drivers—the guys like me that were six-, seven-year vets, who were already on the road and in danger. The recommendation of the task force was a training program for drivers on the road to deal with job

stress and other issues and how to defend yourself and whatever, and they used that money to establish this course for rookies.

I alleged at the time that it was an inappropriate use of public funds. You cannot use retraining monies to train rookies. They did it, and the government of the day knew it. Lecuyer knew about this, and their response was, well, we have got our training program. The Chamber of Commerce is happy. To hell with the cabbies; they can die. That was it, out the door, and I was labelled the bad apple.

I might add that my reward from the industry for trying to defend the drivers was, I was blackballed by Duffy's Taxi for a period of four months because I became identified as a labour leader. The cab board knew it. I complained to Charlie Walker, who, I think, was an inspector at the time. He knew. They did not do a thing. It is supposed to be against the law to harass people who are serving on government committees. It is supposed to be against the law to harass people who are contributing from the labour side of things, but in 1987, it was considered quite acceptable and permissible for the company to try to starve me out.

Workplace Safety and Health did not care. The Department of Labour did not care. I have kept this information. I have had this for six years. Do you know what the problem is? Nobody ever gave a damn. MLAs knew it. Predecessors of yours, Mr. Reid, predecessors of the gentlemen on the government side of the House, nobody ever came and asked: What the hell went on here?

Then in 1989 another cabbie dies, and we see the cab board and the department of Workplace Safety and Health and everybody running around saying, oh, well, the driver should have done this and the driver should have done that. What should they have done? According to a cab board version of events, the police were called and knew the driver was in trouble. The cops were not called. They found an abandoned cab.

There is a serious problem with that, that being in the training program. It ain't true. Now I am not saying those involved are dishonest people; I am saying that as somebody who has been around and has worked as a reporter, I can smell a rat, because if they would have put in, the dispatch service should have done this, the cab board should have enacted that, the cab board

responded to the murder by putting in certain safety provisions or whatever, they would be admitting things were done wrong in '89. It is okay to admit things were done wrong in '89, but they were supposed to be fixed in '87.

Now at the time I told Wally Fox-Decent, when they were giving me action in committee, and especially Jane Riewe [phonetic] from the department, they just warned me basically to shut up and go away, and I said, look, if we do not do our job properly, we are going to have blood dripping off our hands. Two days ago, I realized there was blood dripping off the hands of that department.

I asked Geoff Bawden, who I get along with, who is now the Director of Workplace Safety and Health, two months ago for the file in that murder case because I wanted to review it and do a story. He cannot find the file. I have had three officials tell me they cannot find the file. I think, well, Geoff Bawden, he is a good guy, you know. He is not behind it. But last week, when my research assistant checked the newspaper clips—and we have contacted CBC, and they are allowing me to access their material. Now I see why the file cannot be found. In the newspaper, 1989, Workplace Safety and Health said they are investigating the murder.

The problem is, the report would probably show that they failed in 1987. It is filed under Afghanistan with Jimmy Carter's briefing notes for the 1980 debates.

It does not take a genius to understand what continually goes on. Cabbies are treated like garbage. I said it at a public hearing that resulted in the task force being formed in 1987. That is where my trouble with the cab industry, for the large part, started. I said in public, we are treated like garbage. The government treats us like garbage. Many of the shareholders treat us like garbage. We are treated like slave labour in many instances.

Bill 24 does not address it, and the further I dig, the worse the mess gets. No other reporters are digging into this. It is not fashionable to do stories on the cab business. It does not bring readers. It does not bring viewers. I will tell you what, I know it does not get votes either. Why should MLAs care about cabbies in Winnipeg? Why is the Province of Manitoba worrying about cabbies in Winnipeg and not in Brandon? I understand that. I understand, but the buck has to stop. The buck should have stopped with Bill 24. It did not.

I do not say any of these things lightly. I know what I have read. I know what I am talking about, and I am disturbed. The last three weeks for me, my hair has been standing on end and for my associates. The idea that a murder occurred because the Legislature failed in 1987 and nobody listened to me and other concerned parties at the time, I know that means people have to account for it. I feel sorry for them. I do. There are a lot of tragedies when you start digging into this.

I am not out with an axe to grind. I am not trying to chop anybody's head off, but I know that responsibly the Legislature has to pass bills that make sense and that do the job and that bureaucracies, government departments, are supposed to do things that make sense and do their job. It has been failing. For 45 years, it has been failing. The people who have come forward have been penalized within the industry because the ones within the industry who are in a position of political power figure, well, this industry is a mess and we can take advantage of it, and they do so. The regulators go, well, it is none of our concern.

\* (1140)

Repeatedly, it has been pattern of behaviour since the first day I was in the cab business in 1980, but I never bothered looking at it till I decided that the best way to get a job as a reporter was to study the cab business. Sooner or later, with any luck, I will get out of this business, and I will go work on other industries and keep coming back here and presenting my findings, but as long as I was stuck driving cab, I figured I had to make a difference. That is what I have tried to do.

**Mr. Reid:** Mr. Boroditsky, you are obviously an outspoken person on issues affecting the taxi industry. Do you sense that this legislation will, in any way, prevent you from continuing to be an outspoken person on issues that are affecting yourself and other members of the industry?

**Mr. Boroditsky:** Oh, I can always be outspoken on issues involving the industry. Whether I will be allowed to be employed in the industry is a different question, sir.

**Mr. Reid:** In the sense, if there are issues that you may be interested in, do you feel that this legislation will prevent you from making representation to Taxicab Board hearings on issues that may be of interest to you?

**Mr. Boroditsky:** The notion that drivers should pay for regulation is one of the most misguided thoughts I have ever seen in a piece of government legislation. With only three inspectors, drivers are counted on to help the board out. We are glad to do it because, in return, the inspectors understand, if there is a fault with the car, it is not the driver's fault. If the car is still safe mechanically and cosmetically acceptable, they will not pull the car out of service and deny the driver the ability to work for a day and make a living. So it goes both ways, and it is a good system, given the limitations of only having three inspectors.

But the idea that the public or drivers who want to make representations to the board can be assessed costs in hearings is ridiculous. Why should drivers pay for regulation when under regulation we are treated as slaves and ignored? That is silly. The whole premise of building a system, though I have heard the minister indicate there are amendments—and maybe we have not understood what the government intends, but we have tried to study it. We have done our best, sir.

It seems to me, it would have been easier to just bill every licence holder \$600 or \$800 a year, a flat rate, and be done with it—there is their budget of a half a mill—and regulate the industry. That is what we propose the City of Winnipeg does. We have already started briefing the City of Winnipeg about how to regulate the industry. I think the industry should be handed over to the City of Winnipeg, but it has to be fixed first. To fix it, that rests on the shoulders of the members on the government side and the opposition side to do the right things, and it can be done in a year. All it takes is some people who work 18-hour days, who study things and who can think clearly and with knowledge about what is wrong and what will make it right, but a bunch of lawyers sitting in government offices in this or other buildings going, well, this sounds like a good idea—well, that is not the way to regulate this industry.

Government consistently has a problem in regulating industries that involve lifestyles, like the Horse Racing Commission, for instance. It is very difficult to regulate industries that do not run nine to five. It is a problem in government, okay? It is a problem in the structure of the way bills are drafted and the way the people who draft them work nine to five and do not get what goes on around the clock. This industry is an example of that kind of

shortcoming of the legislative process. It can be fixed, but it is not going to be fixed by people who are detached from reality inventing laws that in effect will allow the board to—unintentionally, people will be intimidated by the board's power to fine from coming forward.

I do not believe Don Norquay is a vindictive chairman, but that does not mean everybody else in the industry does not believe it. If people feel that they are going to be at risk somehow and do not come forward, it does not make Don Norquay's job any easier or any better done and it does not protect the public interest. A flat fee would have been the easiest way, the most obvious way, just flat fee the owners. They are the ones who benefit from regulation. They are the ones who benefit from quota. They are the ones who can turn plates for profits that now go for up to a million dollars.

Why would Classic Cab for instance not be in a business—the guy thinks he is going to pocket a million bucks in four or five years. I think he can afford \$500 a plate a year to pay for regulation, but for employees to pay for regulation? Do McDonalds' restaurant employees pay for the health inspectors? No. Then why do I have to pay for the freight board's secretary, the board's chief inspector or board's inspectors? They do very little for the drivers, gentlemen, very little, honestly. I wish they did more. I would like them to do more.

Maybe with a bigger budget and a funding process for that matter they could do more and they would do more. Of course, that depends if the act is amended to treat drivers as human beings, but it would work a hell of a lot better than what has been proposed. As I said, I am not invisible. Myself, Phil Walding, Randy Delorme, we have been around a long time. We could have been consulted on this. Nobody ever came and asked us.

**Mr. Reid:** So then I take it by your comments that you would like to see some type of a subcommittee that would have as a part of its mandate an ongoing and continuation of a process of consultation to deal with matters affecting the drivers in the industry, the owners of the industry, any member of the industry in general so that you might continue to bring forward your concerns. I get the sense then that you feel that your concerns that you have indicated you have brought forward are not being adequately addressed and that the only way, if I understand you correctly, would be to have some type of a committee, a subcommittee comprised of

industry members that will advise government on the proper legislation to regulate the industry.

**Mr. Boroditsky:** Let me tell you something, Mr. Reid. A task force comprised of the same people in government that have been turning a blind eye to the practices in the cab industry for the last number of years would not work. When the driver who was barred because he complained to the cab board and refused to be cross-examined by the dispatch company, when he complained to the Labour Board he was told they did not have jurisdiction. They did not understand that the dispatch service was not like Zipper courier, which has a radio system and you pay membership to enter. They did not understand the dispatch service in this case was an agent of the shareholders. They vote in that board, that board runs the day-to-day operations for their mutual benefit. They blew the guy off. They said, oh well, there is no way for you to be compensated for missing four days work for doing the right thing.

So if you keep putting the same ill-informed bureaucracy in charge of a task force, you are going to have a disaster. I am very leery of subcommittees personally. It could be that in government, the members of this House feel that it is a better way to do things. I have been on a subcommittee. I was on that as a labour rep. It stunk.

The advisory committee that the cab board has in place that is basically disbanded from lack of use and from people drifting off, of which Randy Delorme survives—you know, Randy Delorme is the best example of where the system has gone wrong. Here is a guy who has tried for years—you see, a task force or what you are proposing will not work. We have no resources. We do not have any funding. All this study of material and photocopying and making inquiries to people in the Department of Labour and other government departments is at our expense.

This attempt to try to straighten things out has been out of our pockets, not the owners, and, certainly, not the dispatch companies, and not the cab board. The cab board does not even let Randy Delorme photocopy documents, but they expect him to be able to advise the board. It stinks. Randy Delorme should have quit long ago. He had no voice until I started putting out a paper. I did not know this guy existed.

I have been in the business for years. I have been in and out. I worked here as a reporter for awhile for MTN. I never knew that there was a driver rep. Phil Walding introduced me to him in November. I said, my God, a driver rep. I have got a columnist.

Suddenly Randy Delorme had a voice. Suddenly Randy Delorme had a power base because he could get the word out about what was going wrong in the industry and what he was asking the cab board to do. Suddenly the cab board had to respond, the cab companies had to respond. Of course Randy Delorme's level of harassment went up about a thousand percent, but at least the system started to work. But the more work Randy tried to do, the less assistance he got from the board and from the system.

I will put it to you this way. There are plenty of people who make more money than those of us who have worked on this study that know a hell of a lot less, and it is unreasonable to expect this kind of process to continue. I know I personally cannot afford it. So the idea of a subcommittee, I think, needs more flushing out to be certain.

You cannot rely on government agencies going in and saying, well, we know what we are doing, because the first thing the Department of Labour says is, well, we do not have jurisdiction. Right? Then the employment centre says, we do not have jurisdiction over cabbies in this. Everybody starts bailing out, and the room will be empty. That is what happens now when drivers have complaints. They go from department to department to department and everybody bails the hell out.

Or, in the case of Geoff Bawden who got the brief at Workplace Safety and Health from Roberta Ellis when she was deputy minister: He says, look, I need a couple of months to sort this out and to study it and ask our lawyers about what the working relationship is. The cab board, instead of doing something smart like putting the companies and the owners on notice—do not harass the drivers, do not enact any more policies to further muddle the issues, we want to take a snapshot of what is going on and straighten it out—they let all hell break loose in the industry.

The drivers formed a drivers' group because there was no liability insurance. Drivers starting refusing to get out of the cars, and Duffy's Taxi started threatening the drivers. Would you get out

of the cab with no liability insurance? No. You cannot look at me and say yes because then I have to say you are crazy. MLAs are not crazy. They will not risk their families' futures, but cabbies are expected to do it.

When they try to organize and do something about it, the companies oppress them. When the cab board finds out, the cab board does nothing.

So you can put together all the subcommittees you want, but unless the drivers are going to be protected, forget it. It will not work.

**Mr. Reid:** Then, by your comments, you say that this kind of subcommittee to advise the Taxicab Board and the minister on issues affecting the industry will not work because of lack of funding, and that you sense that there would be no assistance or direction from the Taxicab Board? But if those issues were addressed, there is a possibility that some advisory body to the Taxicab Board could work, if I understand you correctly. But I will not dwell any further on that.

You made reference in your presentation, as did your previous presenter, on the operations of private vehicles operating as taxi vans. In fact, you have gone as far as naming the company and giving the number of passengers and the fares that are involved, and a company that may be utilizing the service.

Have you drawn this information to the attention of the Taxicab Board and what was the response, if any?

\* (1150)

**Mr. Boroditsky:** That came as a result of our preparing the presentation for Randy Delorme, the technical analysis of Bill 24. As Phil Walding and I were reading it, we noticed it said, in order to deter illegal operators, the amount of the fine has to be increased if it is not viewed as an operating licence and as a licence fee.

As Phil and I discussed it, we were trying to understand. Does "illegal operators" mean operators who are operating illegally, as you and I might understand it or as any right-thinking person would figure it would have meant, or does it mean operators who have not renewed their licences and therefore are technically in breach, illegal in that sense?

The cab board inspectors have certainly heard anecdotal evidence that they have discussed with

me in private about vans staking out north end Safeway stores on welfare-cheque days. A guy sits in a van in front of the north end Safeway, like at Main and Polson, and he will see someone come out and say, hey, waiting for a cab, five bucks, I will take you home, and they run the trip. It is actually not uncommon in Winnipeg. People will come up to you if you are standing around in certain places, like in a doorway. People will come up to you and say, hey, can you give me a ride somewhere, I will give you five bucks.

You have to understand, the cab is one of the foundations of the way society is structured. It is one of the most basic economic processes: food, shelter, transportation. The cab business is part of an integrated public transportation policy. It is an extension of bus service, but we are not treated that way and we are not regulated that way, the way we should.

So we are trying to figure out, what does illegal operators mean? We know the cab board knows people are out there running trips. When I asked an inspector from the board, I was told that they could send a cease and desist letter, but unless the guy stood on the street corner and said, taxi, and solicited fares, they cannot actually do anything, or maybe the inspectors are not allowed to do anything, about people who have, say, private service contracts to run things.

Hotel vans, I went into I think it was the Delta Hotel—no, maybe it was Place Louis Riel—a couple of weeks ago. They have a sign up. It says, the airport van, right there, run their customers, \$6 a head. The cab board says, well, we do not regulate hotel vans, because they are providing a service to their customer. For God's sake, they are charging six bucks for it. It is not included in the price of the room. Who is kidding whom? That is the way the board looks at things.

The way we read this, based on current practice, their raising the fines if, for instance, a cab owner forgets to renew his licence and operates, then they pop him for \$250, but in terms of Ken Bishop using Zipper courier as a front, he is getting away with it. Whether the board is specifically aware of what I found out last week I do not know. I do believe that the board has been aware for some time that Bishop had purchased a van and had discussed using the van in conjunction with certain needs of MTS.

The cab board is connected to industry rumours. The reason why I am controversial is that I document things. It is very disturbing to everybody. Suddenly there is a paper trail and all I have done is follow the paper trails.

The rumours were there that Bishop could have propped up Tuxedo Taxi and saved Frank Goldberg. He chose not to do so. He told CBC he was going to bid on the plates and did not do so. It was fairly well-known that he had purchased a van, and it was a passenger van not a cargo van.

It does not take a genius to figure this out, you know. They have inspectors out there who probably would like to do their jobs better, but the board has not, to my knowledge, been able to improve—if there is a loophole, Bill 24 does not appear to close it.

Again, it is one thing to say, well, we cannot, we do not have the power to, the interpretations are too narrow. Well, I do not think Bill 24 broadens it, and it will not solve the problem.

**Mr. Reid:** I thank Mr. Boroditsky for his presentation. I believe my colleagues here have further questioning on other issues that he has raised in his presentation. I will make time for my colleagues to ask those questions.

**Mr. Lamoureux:** Mr. Chairperson, in going through the brief you get well documented to a certain degree right now, in terms of cases 1, 2, 3, and you list a number of different cases.

I am not going to necessarily question in terms of the validity of the questions but rather go to the board itself. A number of issues, individuals, have a dramatic impact on these individuals, but the general gist of your presentation, at least the printed form of your presentation, is one of criticize, lacking of actions taken with respect to some incidents.

I am wondering if you can indicate whether or not you feel that it is the board or the concept of the board that has failed or the individuals that make up the board that have failed.

**Mr. Boroditsky:** There are a couple of problems with the way this House views the way the board works. I hear members express a concern, and it is a logical concern, that to have an industry rep on the board causes a problem.

On April 29, the minister stood in the House, and when Mr. Reid suggested that a back-room deal

had been made to save Tuxedo Taxi, and I can tell you that that was our conclusion, as some correspondence was received in private, to go from calling a show-cause to letting Frank Goldberg bail out and keep 10 percent of the company after doing what he did. He has still not been charged, despite four alleged investigations. I wish I could get away with what Frank Goldberg got away with. I would have some money.

When you examine the structure of the board and you worry about conflict of interest, first you have to look at what the minister said on April 29. He said: Well, the board made no back-room deal, and there has been an industry rep, Mr. Surinder Sanan, who is there and he has integrity. Maybe Surinder Sanan has integrity. I am not saying the members do not have integrity. Mr. Sanan, according to Terry Smythe of the board, resigned over a year ago, and the minister has been aware of it. He served for three years.

The other part is, when I read this in Hansard, Sir, I started asking around, I have been around for a few years, who is this guy, an industry rep? How come Randy Delorme does not know him? He is the driver rep. I have not met anybody that knows this guy. I do not know how he was appointed. Maybe he had experience in the industry. According to Henderson's Directory he is employed at Motorways. I am not saying he was not a good guy or bad guy, but he has not been around for a year, unless he has been coming dressed as an empty chair.

Yet, the board has continued to make decisions without the input of an actual industry rep present. According to board staff, it has been with the minister's knowledge, although maybe the minister forgot.

You have allowed a board to proceed without having an industry rep and then you worry about conflict of interest about an industry rep. You already had one there supposedly. Suddenly conflict of interest is a problem for you? Come on.

George Gershman sits on the cab board as the representative of the City of Winnipeg. George has a good grip on what is going on. George Gershman does not like this kind of garbage that is going on. He understands that there are inadequacies. He wants to make sure if the city takes this over it is done in a manner that is responsible and that treats everybody, accords them their appropriate rights

and the appropriate responsibilities and that it functions and that it serves the public.

The Charter House Hotel is operated by George Gershman. They operate a taxi concession. George Gershman has had Duffy's Taxi serving there through my years as a day driver, up until a few years ago. Now, I believe Unicity Taxi has a direct phone. He deals directly with one of the companies. I have not heard anybody from the cab board worry about George Gershman making decisions, because that is nickel and dime.

Do you know what kind of industry representation you need on the board? You need a driver rep. And to proceed by the minister picking somebody he identifies because members of this House know certain cab owners and this would be a good guy to sit on the board, that is a bad way to proceed. You have to have a driver rep on there; you have to. A driver representative will be in less of a conflict of interest than anybody. A driver makes a decision, what is it going to do for him, put five bucks a day in his pocket because he can scoop an extra trip somehow? A cab owner makes a decision, he is protecting a \$50,000 plate. So there can be industry representation on the board.

Mr. Lamoureux, with regard to your question about the capacity of the people on the board, there is a police officer on the board. Generally it is this Mr. Raftis, who is from Traffic Division. I know that Rex Keatinge has sat in on occasion.

You would think the reason why a cop is on the board is that the Legislature wanted to make sure the police knew what was going on in the cab business. That is a good assumption. The cab board gets all this documentation, allegations of extortion rackets and sexual harassment and insider trading on plates and Frank Goldberg ripping off drivers, and the police have not investigated one of these situations.

Why are you filling—if you have an empty chair as an industry rep, you can have an empty chair as Police Department representative for all the good it is doing. Why is there a cop on the cab board then? What is he there for?

\* (1200)

A cab board, no matter how qualified the people, will not be there if they are disinterested. Officer Raftis is disinterested, okay? I believe that Mr. Hill who sits on the board, who is I believe a representative of the chamber of commerce, I

would not say he is disinterested; I think he is intimidated by some comments I have heard him say.

The cab board seems to have made a deal. No more marches on the Legislature and you guys can do whatever you want. If you want to abuse drivers, if you want to abuse the public, if you want to manipulate the plates, whatever you want please do not march on the Legislature again. We cannot have that. I have had people in this House tell me the reason I was being dumped on the city: Oh, well, we do not want another riot here—less breakables at City Hall. You cannot regulate for a position of fear of the industry.

Here I can look at you as members and say, yes, there are communication difficulties and cultural difficulties with the majority of the shareholders, the owner-operators within the industry. They hold different cultural values. They come from different political systems. You have to learn to work with it. You cannot turn tail and run and hide and say, well, just pay us our money and, my God, we will not bug you, because the drivers, the employed drivers and the taxpaying public are getting nailed on this. That is what is going on.

The makeup of the board, you could have 20 people there and if they all behaved the way the ones that are there now—I think personally that the chairman certainly is well intentioned, I believe. He listens to us. He just does not make sure anything gets done. Now if he is getting bad advice from government lawyers or from his own staff or from cab board spin doctors—you know, I do my part. I cannot say if he gets bad advice or not. I think he has in many cases. You do not need a law degree to figure out that insurance liability policies, you know, shall ensure there is insurance. That is easy to read. I have a 12-year-old kid who can read that and understand it. Markings on cabs that endanger drivers' lives, that is easily read. A 12-year-old kid can read that.

So if the board keeps getting told, if the board chairman keeps getting told, oh, you cannot do this, you cannot do that. If Mr. Norquay is taking bad advice, he should get better advice. We have tried to provide it to him. Bill 24 does not give him any more powers to deal with these problems that we have listed. Now, if he has gotten bad advice, he should have been dealing with them already. I sense from the looks on the faces of the MLAs and

of the minister that some of this does not sound quite right. Well, I think that is a good assumption.

Supreme Court directives on sexual harassment should not be ignored by the cab board or dispatch companies. If the dispatch company allows it or ignores it, they should be directed by the cab board to enforce it. The case of Robichaud versus Treasury Board 1987, as far as I know it has never been overturned.

A sexual harassment complaint should be dealt with first by the person doing it. You should tell them, hey, lay off, do not hit on me; I am not interested. If they persist, the offended party can go to the employer, to the responsible organization, which in this case is the dispatch service, because when you go to work at Duffy's you do not generally go to work for a specific owner. You are a rookie. You go in: Hey, can I work here? And you start working casually for owners until you develop a relationship with them and then you get on steady with somebody. You join them because it says Duffy's or Unicity or whatever on the office door.

They are bound together by certain standards and certain good will of that name. It is that good will that is traded on the plate. You say, hey, that good will does not mean I can be sexually harassed. Oh, we cannot help you. The cab board should have made sure that something was done. They were aware of the complaint. Then the board staff told driver rep Randy Delorme, huh, not enough meat to the complaint. Sexual harassment is the souffle. It is the quiche of human rights issues. It is not by definition meaty. It is a feeling, okay? But the Supreme Court said it had to be investigated. I am not saying the people involved are guilty, but if it had to be investigated, there is no out. It is possible Robichaud versus Treasury Board was overturned, but I have not found that out yet. At least, I have manuals on sexual harassment policies at my office. At least, I actually try to look into things and find out right from wrong.

The cab board did not do that, and I do not think that was appropriate. That woman driver deserved her investigation—she did. The cab board knew there was a question, knew that the plate was on the docket and allowed the sale to go through saying, we could not hold it up. The plate is held in the public interest. It can be revoked if the public interest is violated, and they let the guy off the hook knowing his intention was to return to India. I am not saying he was guilty; I am not saying he was

innocent. I am saying due process was not followed, and due process is often ignored in cab board dealings because they choose not to get involved in process at all. Bill 24 will not address this. It does not make the board any busier; it makes them more profitable.

**Mr. Lamoureux:** Mr. Boroditsky, you made reference to what you refer to as the bible of the industry, if you like. If, in fact, the board was enforcing that bible, do you feel that the industry itself could accept what is currently there?

**Mr. Boroditsky:** I think the majority of the shareholders and drivers within the industry are good people. The cab business attracts characters. If somebody who is really straight goes into the cab business, they often are very disappointed because you are dealing with situations that are not logical. People ask you to do the weirdest things for them. They want you to help them. They get in the cab—I got to go here, I got to go there. They ask you to be their social secretary and establish their itinerary. You know, well, the LCC closes at nine o'clock, we will get your booze first, then we will go to the bank. No, go to the bank machine first, because then you cannot pay for the booze.

You have to be able to think on your feet. For instance, Mr. Lamoureux, you experienced the military. I am not sure that people from the military necessarily would make good cabbies. I am not sure people who are cabbies would do well in the military, because we are essentially an undisciplined bunch. That does not mean we are not law abiding and that we will not follow appropriate guidelines.

The problem is that within the industry a lot of the operators view controlling the dispatch service as—that is their politics, that is their prestige, that is their ability to be important, that is their ability to control people's lives. In effect, there are two kinds of operators, those who just wish the dispatch service ran efficiently and their own drivers were not bugged, and they could just get the trips and try to market the product and make some money and pay their mortgages. But there is a subculture within the industry that is trying to dominate company boards, which the cab board says it does not regulate, and they use oppressive tactics reminiscent in many cases of the kinds of things you read about in Third World governments, because that is what they know best. They are not given guidelines to do otherwise. It is okay in other

cultures to interrogate employees. It is okay to want to interrogate them when they have complained to the government about you. In Canada, it is not supposed to be acceptable but it definitely goes on.

A few months ago we told the cab board, why do you not put in a direct line or give the drivers the cell phone so that if a driver is driving a mechanically defective car, they can call the inspector directly and have it inspected. If you show up, particularly with Duffy's—the Duffy's offices are now located in the cab board office—if you try to take your cab in to be inspected, one way or another, people around the offices, they hear things, they know what is going on. Drivers have in the past been fired all of a sudden, mysteriously, three days after the cab was inspected and mechanical defaults were ordered to be repaired. It is not hard to figure out what went on. It is not the cab board's fault, but there is a better way of doing it.

If they handed out cell phone numbers to drivers so they could meet the inspectors here in front of the Legislature or in other places and say, geez, the brake pedal is failing, the guy will not fix it, would you please put in a order so I do not get killed on the road—the cab board has not done it. They know drivers are at risk by reporting shareholders. They know shareholders will start, through the dispatch service, discriminating against drivers who do so. They know it.

It is an oppressive industry because of the way the dispatch companies are allowed to be used for political purposes. The political tactics have resulted in a rising tide of racial misunderstanding within the industry that goes between people of colour and people not of colour. It goes between people of darker colour and lighter colour. It goes between people who belong to different temples within communities and different churches. Sociologically, the infrastructure of the industry is threatened, and it ties in with these political considerations of manipulating takeover, a company in change, the rules in change, the logo, and say that drivers do need permits and drivers can be forced to do this.

There was a meeting Duffy's Taxi held with its drivers in June. I kept minutes of the meeting. There were 11 different contradictory references whether the drivers are employed by Duffy's and the company can order you to do this and that, or you are not employed by Duffy's and the shareholders or employees work for Duffy's. When

you work for the shareholder, you work for Duffy's. It is a quagmire. The fact is if you do not do what the people in charge of the dispatch service want, you cannot get trips.

\* (1210)

I can have the best relationship with 136 of Duffy's shareholders. If I have crossed the five or six that are on the company board, I am screwed. And the system should not work that way. But because they do this as a dispatch service, the cab board, which wrote a letter to Randy Delorme saying, we will protect you from retributive action by individual licence holders, now the cab board told me a couple of weeks ago that the company is challenging this, and they do not know if they can protect the driver.

I do not care if a conspiracy originates because a bunch of cab owners are on a company board because they play cards together with their buddies at the club, because they are on the same rugby team. I do not care how the conspiracy originates; a conspiracy is a conspiracy.

But they hide behind this dispatch service company board logic, and now you have the company boards enforcing each other's political agenda by saying, you cannot drive at Duffy's if you do pay this guy at Unicity who claims you owe money, never took you to court, never got a civil judgment, has no receipts, has no bills. I have given the cab board evidence with a Duffy's receipt written to a Unicity cab.

I do not understand. If I worked for Imperial Oil and I had a beef with them and I want to go work for Shell, do you think that Shell would say, oh, no, you have got to pay off that guy at Imperial Oil? Do you think if I want to go to work at Grapes Restaurant because I had a beef with somebody at The Keg, The Keg could phone Grapes and say, hey, Martin cannot work for you unless he gives us this payoff. And drivers often tell me—I am not saying this is factual or not; I have reason to believe it is fact based on my own experience as a driver—these bills are imaginary, these claims are inflated. It is a fact that in most of the cases that I have had come to me at the paper, and there are three or four, it is white drivers being made to pay money to owners of ethnic origin.

Now you have a situation where I believe you have got, between the two major companies, 11 directors who are East Indians, one who is black

from an African country, and the perception gives rise to concerns in the driver force and makes them feel uneasy, and the reality makes them feel uneasy.

There are a lot of really complicated problems here, and it does not mean anybody is racist or anybody is a bad person. But there is no question that what it looks like to drivers is you have got a bunch of people between the two companies that seem to have something in common, picking on the drivers who have nothing in common with those company boards. That is the perception out there. It is up to the board, I believe, to determine if perception is reality and to do something about it before this erupts in the form of worse racial tension.

I made a presentation to the Race Relations Committee of the City of Winnipeg about this a couple of weeks ago, and they took it very seriously. My background is in race relations. I want to see people get along, but it is the actions of shareholders and controllers of the companies now that are causing problems.

I have heard complaints from customers relating to—we know there are a lot of racially-motivated problems and cultural misunderstandings that go on between fares and drivers where drivers are short-tempered with fares and where fares definitely—look, I get people of colour in the cab that accuse me of being a racist because I am not the right colour, and I must not like them, and it goes on. But it is not really dealt with in the training program, it has not been dealt with in the retraining program, and racism is a serious problem in the industry.

I know that board staff were present at a meeting on January 23 with people from across western Canada, and people from British Columbia said this is what goes on in B.C. The Department of Employment and Immigration, the federal department, Nick Oosterveen has said that these kinds of problems occur. You have certain kinds of ethnic groups that move into certain kinds of economic activities, certain kinds of businesses. That is what they are drawn to. Their buddies are in it, they buy a cab, they buy corner stores, whatever.

But I have officials all over who say, yes, it causes a lot of misunderstanding and social tension and stress, but there is not a government agency that can deal with that perception and try to

get people to help people get along better. One of the ways people get along better is if the dispatch companies started following provincial law pertaining to human rights, employment standards and other issues. It would help. They clearly are not doing it now.

**Mr. Lamoureux:** Mr. Chairperson, I know whenever the issue, the taxi industry as a whole or the issue comes before the Legislature, whether it is in the committee on Bill 24 or an issue that comes up during Question Period, there tends to be, and I want to be a bit general here, you have policy versus consensus.

What I want to try to establish here, are those issues, regulations and laws that are currently in place, are they sufficient in the sense that, has there been great demands for change, that things need to happen, that we need to see, for example, the certification of mechanics only that are approved from the board members?

Where is the push for those sorts of changes coming from? It is being driven from the fares? From the drivers? There has to be a push coming from somewhere. Then, if you tie in the consensus, this is why I was asking the question in terms of the board itself. Does the concept of a taxi board, does it in fact work? If it works, is it a question of the personalities?

Everyone talks that I talk to with reference to the taxi industry, will quite often talk about the personalities amongst the board.

**Mr. Chairperson:** Order, please. We are again having technical problems with the Hansard tape.

We are just going to change the tape. It takes two minutes.

The committee recessed at 12:16 p.m.

### After Recess

The committee resumed at 12:18 p.m.

**Mr. Chairperson:** Order, please. Mr. Lamoureux, to continue.

**Mr. Lamoureux:** . . . the one question, sum up in terms of this one line of questioning that I am asking.

With respect to the idea of consensus versus policy, if you like, because of the board's apparent inability to get consensus within all of the stakeholders of the taxi industry, do you believe

that it impairs its ability to better serve the industry as a whole?

**Mr. Borodltsky:** I think that in the past, under past chairmen, that they have had difficulty in finding a way to explain to the cab owners how they are all supposed to get along.

When somebody buys a cab, they do not go through any course or certification program. They are not instructed in labour law, employment standards law, human rights law. They are not made to abide by them. If it does not involve transporting fares, they can get away with doing anything they want. The qualification for owning a cab is having \$50,000.

I think that a process could be enacted whereby it was explained to people, we are the cab board, we are not here to bite your head off, we will provide you with regulation and the protection of regulation, regulated quota. Your end of the deal is to do certain things, our end of the deal is to do certain things.

I think if the board, at an earlier stage, tried to explain things to the people who enter the industry as stakeholders, then there would be a lot less trouble. But what happens is, the first contact many stakeholders, many shareholders have after getting their cab licence—you get your cab licence at the beginning of the year, six months later you have driven, you decide you are going to buy a cab, your next contact will be an inspector saying, clean that cab. It is a bad atmosphere. There is no working relationship between the board and the shareholders, and that is a real problem.

I think the board has failed in that respect. I think in many aspects of communication and public education, and I have written about this in my paper, and the cab board reads my paper, they took out the charter subscription to it. I wrote about the need for public education and better communication. I think the board has failed in the area of communication.

\* (1220)

When people talk about personalities on the board, I personally think a lot of that is, in terms of the board membership, maybe they lack the will power. Maybe there is some element of fear about taking certain actions. I know the board members have expressed fear in the past for their personal safety in certain issues, because shareholders get very upset sometimes. You know, ministers maybe

very upset sometimes. You know, ministers maybe feel threatened when they pass legislation. Let us go back to when Autopac was enacted and you had all these angry insurance agents.

It is a hard part of the game, but I do not think that the board is a problem. I think that a lot of those problems come from the inability of board staff to properly advise the cab board how the problems can be solved, and lack of communication with the industry is a big problem. I think there are areas where conciliation can be made that have not even been explored.

I have made the point before, Mr. Lamoureux, the majority of shareholders are not bad people. Maybe they do not understand their obligations under law. Maybe the cab board has been negligent in making sure that the system is balanced, but it does not really make them bad people if they try to do things because they are allowed to.

There are some who maybe are playing politics with public plates. There should be a way of controlling that, because these are public plates. These are not private companies. This is not an unregulated market. This is not cut-throat competition here. It is supposed to be controlled. Those controls include ensuring that the people in it have integrity, and integrity is based in following appropriate law. The fact that it is not enforced by the board has allowed some people to take advantage of it.

The majority of owners do not realize that maybe in technical ways, they are in default of the law. They go, I can do this, the cab board says so. I think if they go backwards a number of steps, they will find that the majority of the shareholders from all walks of life, from all ethnic backgrounds who are in the industry are reasonable people who are willing, who own a cab for the purpose of being their own boss and serving the public.

It is a fun job when it works well. It is an interesting job. It is a good job when it works well. Then with those things in mind, they can promote their services. The cab board can help them identify new markets, and the public will respond in a better way that will reduce the tension on the road between driver and customer.

I do not think the majority of shareholders are a problem, and I do not think the board has a real psychological problem or personality problems.

The lack of consensus is a crock. The tail has been wagging the dog. How many complaints have I indicated here that were ignored? The board has not acted, so the tail is wagging the dog here.

Consensus from the industry should be what they can live with and not live with, but there are 300 owners and 800 drivers, and there are 800 drivers who cannot live with what is going on. They cannot live with it. The bible is being tossed aside, is being reinterpreted every day in regard to this industry, and so I think that a lot has been unexplored and the system can work.

The problem with consultation is in itself a problem. The board has to understand whom they are dealing with. The Manitoba Taxicab Association was founded on the premise that the owners had more rights within the group than drivers. That is not a democratic group.

Drivers were not allowed to be on the board of the group because the drivers—this is not according to the current president who has taken over, I think, an unfortunate situation left behind by his predecessor. But the founder of that group, which is why I started the paper, told me, support my petition to get rid of Don Norquay or we are going to bar you from Duffy's. I told him to take a hike.

The guy goes to my owner's house to get me fired. He goes to the company manager to get me fired. He went to the RCMP to try to get me fired, making allegations, false complaints about my activities. Why? Because politically I told him to take a hike. I am a driver, I am supposed to have rights.

Well, you cannot expect to believe me as MLAs if you think this is going to be solved through MTA. You are wrong until the MTA can right the listing ship that was caused by the fact it was founded on an undemocratic premise. Maybe in the end the MTA can be a group that will do this. Maybe in the end the drivers' group can do it. Maybe there are a number of groups that can form, that can go beyond company bounds in protecting the plates and worry about protecting the public interest and do what is right.

In and of itself, as I said, I do not think that the board is really the issue. I do not think that they are unwilling. There is an old Jewish proverb about the son who does not know how to ask, that is told at Passover, and I think that is the problem with the

cab board. They know their problems and they do not know how to ask for the solutions.

The drivers have tried to help them by offering to bring forward complaints through the newspaper to help them establish precedents. Right? That would have helped if there was precedent here. None has been established, so—

I think a lot can be done to enact the kind of process, but the idea that the owners are suspicious of the board, the board have grave concerns about the owners, it is, a lot of it—I can tell you from private conversations I have had with both groups—is caused by racial tension. I think that there is much that can be done to reduce that level of tension and cultural misunderstanding between both entities and make them work positively.

I do not want anybody to think I do not like the cab business. My dad drove. I drive. I love it. But it does not work anymore, and it is getting not only more difficult to make a living, but it is getting more frustrating as a citizen to watch something fall apart. It is a \$30 million industry.

Tourism in Winnipeg is worth 30 million bucks. People cannot find enough conferences to go to. Government officials cannot find enough conferences to go to, to talk about it. Cab business does not get an hour of your time except when a bill is forwarded. An hour of your time, an hour of government agency's time. Nobody gives a damn. Do you know why? We are just cabbies.

The cab board once produced a study that said cabbies make about seven bucks an hour, roughly the same as, quote, other forms of unskilled labour. That is where their problem started because they believed some idiotic consultant, some bozo who believes this is an unskilled job.

I have worked as a television reporter, I have worked as a cabbie, and let me tell you something, working as a cabbie is a lot harder. It is.

I think an organization like the MTA would be well in position to be able to explain the kind of job skills that are required to run a cab, and the drivers' group could explain the kind of job skills that are required to drive a cab.

The cab board could decide, okay, if the industry earnings you are hearing, people are making 40, 50 bucks a day. If we are professionals, if we are supposed to be regulated as a profession and you people are taking the time and spending thousands

of taxpayers' dollars to hold hearings and legislative process, okay, how much should a professional cabbie be able to earn? Roughly, if he does not goof off, go for a meal or, you know, just get a \$3 trip instead of \$20 trip, the luck of the game, what should you make? Eight bucks an hour, nine bucks an hour, 10 bucks an hour. Okay.

Well, if a driver should make a professional living wage, why are they adding plates that dilute the market when I have seen a Prairie Research study that says that there is no market for more plates. There may have been a market three or five years ago when the economy was booming. I made a hell of a lot of money when I started driving nights three years ago. I do not make it now, and I am a good driver. I know what I am doing out there.

So this whole process has collapsed. And the board, because they do not get along with the established interests and think they are not competing properly and they cannot get along with them, they figure, well, we will create more cab companies and put more plates on the road and that will solve the problems. And it does not. It creates more.

**Mr. Lamoureux:** I like the way you ended it off by saying that in fact what has ended up happening is that we have more problems that are being created. I would argue the primary reason for that is because the current board is not able to build that consensus.

If you take a look even at the presentation that you are bringing forward, if in fact there would have been some actions that were taken, if we listened in terms of your presentation and the presenter before you, had there been any consulting prior to the legislation even being introduced, we would not then have clauses like the costs of proceeding.

We would not have it in terms of the board now saying that they can ask, how much money have you made and ask for gross net income statements and so forth, because the board, or is it the individuals, have failed in achieving some form of a consensus in terms of working with the industry.

It frustrates me in the sense that because every time this issue comes up, the focus gets personalized. I know we do not generally, as a rule, like to bring individuals up, whether it is in committee or in Chamber, but at times it does happen.

You know, in second reading I commented on the fact that I do not believe that it is possible to build or form consensus with the current makeup of the board, and I would ask the presenter, does he really believe that the current board would be able to achieve a consensus, whether it would be on Bill 24 or any other legislation, knowing full well as he does—since 1987 I believe is when he had said it—that it seems every year we are not seeing any improvement in the industry as a whole?

\* (1230)

I still get constituents that I represent coming up to me, expressing frustration that they are not being listened to, that the board is not acting on their behalf or addressing the issues that are there for them. We have a piece of legislation no one—you yourself said you were not consulted, very knowledgeable about the industry as many other

driver-owners and drivers are. Yet they are not consulted.

So how can we look at a bill or support a bill when in fact the industry, the stakeholders—

**Mr. Chairperson:** Order, please. The hour is 12:30 p.m. What is the will of the committee?

**Some Honourable Members:** Rise.

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

For the benefit of the public presenters who have not had the opportunity to present as yet, this committee does not have the power to set its next meeting so you again will be informed when the next meeting will take place.

I would also like to end on a happy note and wish our Clerk, Judy White, a happy birthday.

**COMMITTEE ROSE AT:** 12:31 p.m.