

Fourth Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Justice

Chairperson
Ms. Bonnie Korzeniowski
Constituency of St. James

Vol. LVII No. 1 - 6 p.m., Tuesday, November 22, 2005

ISSN 1708-6671

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON JUSTICE**

Tuesday, November 22, 2005

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Bonnie Korzeniowski (St. James)

VICE-CHAIRPERSON – Mr. Bidhu Jha (Radisson)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Messrs. Mackintosh, Smith

Mr. Dewar, Mrs. Driedger, Messrs. Hawranik, Jha, Ms. Korzeniowski, Messrs. Maloway, Penner, Reimer, Swan

APPEARING:

Mrs. Bonnie Mitchelson, MLA for River East

WITNESSES:

Bill 10–The Convention Centre Corporation Amendment Act

Mr. Klaus Lahr, The Convention Centre Corporation

WRITTEN SUBMISSIONS:

Bill 2–The Private Investigators and Security Guards Amendment Act

Mr. Lanny McInnes, Retail Council of Canada

MATTERS UNDER CONSIDERATION:

Bill 2–The Private Investigators and Security Guards Amendment Act

Bill 3–The Enforcement of Canadian Judgments Act

Bill 8–The Official Time Amendment Act

Bill 10–The Convention Centre Corporation Amendment Act

* * *

Clerk Assistant (Ms. JoAnn McKerlie-Korol): Good evening. Will the Standing Committee on Justice please come to order.

The first item of business is the election of a chairperson. Are there any nominations?

Mr. Gregory Dewar (Selkirk): I nominate Ms. Korzeniowski.

Clerk Assistant: Are there any further nominations? Seeing none, Ms. Korzeniowski, would you please take the Chair as appointed Chairperson.

Madam Chairperson: The next item of business is the election of a Vice-Chairperson. Are there any nominations?

Mr. Dewar: Madam Chair, I nominate Mr. Jha.

Madam Chairperson: Are there any further nominations? Seeing none, Mr. Jha has been appointed Vice-Chairperson.

This evening the committee will be considering the following bills: Bill 2, The Private Investigators and Security Guards Amendment Act; Bill 3, The Enforcement of Canadian Judgments Act; Bill 8, The Official Time Amendment Act; and Bill 10, The Convention Centre Corporation Amendment Act.

We do have a presenter registered to speak to Bill 10. It is the custom to hear public presentations before consideration of bills. Is it the will of the committee to hear public presentations on this bill? *[Agreed]*

Mr. Klaus Lahr, representing the Convention Centre Corporation, has registered to speak to Bill 10. That is the organization that has registered so far. If there is anybody else in the audience that would like to register or who has not yet registered and would like to make a presentation, would you please register at the back of the room. Just a reminder that 20 copies of your presentation are required. If you require assistance with photocopying, please see the Clerk of this committee.

I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations and five minutes for questions from committee members.

I would also like to inform the committee that a written submission has been received from the

following organization: Lanny McInnes, Retail Council of Canada. A copy of this brief was made for committee members and was distributed at the start of the meeting. Does the committee grant its consent to have this written submission appear in the committee transcript for this meeting? *[Agreed]*

Bill 10—The Convention Centre Corporation Amendment Act

Madam Chairperson: I now call on Mr. Klaus Lahr, representing the Convention Centre Corporation, to make his presentation. Mr. Lahr, do you have copies of your presentation to distribute to the committee?

Mr. Klaus Lahr (Convention Centre Corporation): Thank you, Madam Chair. No, I do not have any copies. I merely came to be present if there are any questions from the committee in regard to the proposed amendment.

Madam Chairperson: Are there any questions? Seeing no questions, thank you, Mr. Lahr.

* * *

Madam Chairperson: That concludes the list of presenters. Is there anyone else in the audience wishing to make a presentation? Seeing no one else, is it the will of the committee to proceed with clause-by-clause consideration of Bills 2, 3, 8 and 10, and, if yes, in what order do you wish to proceed?

Mr. Andrew Swan (Minto): To go in numerical order of the bills.

Madam Chairperson: Is that agreed by the committee? *[Agreed]*

Bill 2—The Private Investigators and Security Guards Amendment Act

Madam Chairperson: Does the minister responsible for Bill 2 have an opening statement?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Just in response to the interest of the Retail Council of Canada in recognizing loss prevention officers as a distinct class of security guards, that is the intention as a result of discussions with the industry on the regulations, because it is important, for example, that requirements on the wearing of uniforms not be mandated for loss prevention officers.

That is the main area of difference, so that was contemplated in the drafting of this scheme.

Madam Chairperson: We thank the minister.

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

An Honourable Member: No.

Madam Chairperson: We thank the member.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Shall clauses 1 and 2 pass?

Mr. Gerald Hawranik (Lac du Bonnet): I have a question to the minister. He just indicated that in his opinion the definition section complies with what the Retail Council of Canada has submitted in written form with respect to their interpretation and with respect to how they felt that that provision should be changed.

Seeing that the minister has indicated that the concern of the Retail Council of Canada has been met in the definition section, is he prepared to at least speak to the Retail Council of Canada with respect to that and relay that information to them and satisfy them in that respect?

Mr. Mackintosh: Yes, the definition certainly embraces loss prevention officers, and, as I say, it will be recognized as a distinct class.

There were a couple of other less significant points raised by the Retail Council of Canada, and staff will contact them in the morning to assure them that their concerns are met. The other one was the ability of private corporations like large employers or perhaps even the council to host the training. There is no limit on who can provide the training, and, indeed, we do expect the private sector to be stepping up to provide that maybe at the workplace and maybe jointly.

So I think we have met all their concerns, and certainly it was contemplated in the drafting of the legislation.

Mr. Hawranik: They had that concern about the definition section which the minister just addressed, and they had a second concern, though, with respect

to minimum training standards in the bill itself to allow at least those pre-existing training programs to be accredited or at least recognized in the context of what is going to be required in this bill. Is the minister prepared to do that?

* (18:10)

Mr. Mackintosh: Well, that raises two points. First of all, there will be a grandparenting of the requirements. I believe they are looking at 3000 hours when someone will be recognized as being fully qualified just by experience on the job. Second of all, there may be many security guards who far exceed the 40-hour training standard here. For example, I think of our own security guards in Transportation and Government Services at the front door, I suspect they far exceed the requirements. That kind of auditing will be done. As well, the Corps of Commissionaires far exceeds it. But there may be other workplaces, as well, that would qualify, or other individuals that would qualify to be exempted, based on training with their employer or with community colleges or other education providers.

Mr. Hawranik: Can the minister indicate how that evaluation of those existing training programs will take place, who is going to do it and whether the bill, in fact, contemplates that?

Mr. Mackintosh: Manitoba Justice will do that in consultation with employers. I can say there has already been a lot of work done on this by way of the consultation initiative. I mean, the consultation has been extensive. This really is an industry initiative, in large part, which really is then embraced by the legislative change.

Madam Chairperson: Clauses 1 and 2—pass; clauses 3 and 4—pass; clauses 5 through 10—pass; clauses 11 through 14—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 3—The Enforcement of Canadian Judgments Act

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

Mr. Mackintosh: No.

Madam Chairperson: Does the critic from the official opposition have an opening statement?

Mr. Hawranik: No.

Madam Chairperson: Thank you.

During the consideration of a bill, the table of contents, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Clause 1—pass; clause 2—pass; clause 3 through 6—pass. Shall clauses 7 and 8 pass?

Mr. Hawranik: I guess I have one question of the minister with respect to this bill. That is, I know we are recognizing judgments from outside of the province in Manitoba through this bill, but what progress has been made by other jurisdictions to recognize Manitoba judgments in their jurisdictions? Can you give us an update on that?

Mr. Mackintosh: First of all, this legislation is unique in terms of the protection order piece of it. This is the first of its kind, where it will be enforceable in Manitoba without having to register with the court. It will be enforceable on the face of it by law enforcement. In terms of the monetary or other aspects of the legislation, there was an earlier recommended draft that went out. Several provinces, including British Columbia, Yukon, Saskatchewan and Nova Scotia, have enacted those provisions, but they have not proclaimed them. Of course, what goes into the proclamation will be the necessary rules of court changes. I think that is the key proclamation activity.

So four jurisdictions that I am advised of are in the process of moving along. I am sure that member sees that this legislation is important in terms of protection orders, but it has a very important role in recognizing the rights of creditors to collect debts across the country. I think, when we have an integrated economy, presumably, in this country, this is an important initiative for corporations to realize on their amounts owing to them.

Mr. Hawranik: There are still five provinces left over and a couple of territories as well. Is there any indication as to when they are going to be enacting legislation similar to this in their jurisdictions?

Mr. Mackintosh: This legislation follows on the Uniform Law Conference which met in late August.

So this came out of the Uniform Law Conference which just met in August, so we expect to see the introduction of this legislation over the course of this year, depending on people's legislative agendas.

Madam Chairperson: Clause 7–pass; clause 8–pass; clause 9–pass; clause 10–pass; clause 11–pass; clause 12–pass; clause 13–pass; clause 14–pass; clause 15–pass; clause 16–pass; clause 17–pass; clause 18–pass; clause 19–pass; table of contents–pass; enacting clause–pass; title–pass. Bill be reported.

Bill 8–The Official Time Amendment Act

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

Hon. Scott Smith (Minister of Intergovernmental Affairs and Trade): Madam Chair, I think the bill is very self-explanatory. The bill basically comes into conformance with a lot of the changes that will happen in the United States with the daylight-saving time changes that they are making. Many of the other provinces are now moving to this. We got a lot of advice from the trucking industry and a lot of the businesses in Manitoba and this basically comes into the same conformance bill that the changes will be met in 2007 by the United States.

Madam Chairperson: We thank the minister.

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

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Clause 1–pass; clause 2–pass; clause 3–pass; enacting clause–pass; title–pass. Bill be reported.

Bill 10–The Convention Centre Corporation Amendment Act

Madam Chairperson: Does the minister responsible for Bill 10 have an opening statement?

Mr. Smith: Madam Chair, just very quickly, this bill comes on the advice of the Convention Centre and the Convention Centre board. The bill is a positive move, moving public representation onto the board with competency skills for members of the board.

It is something that they believe is something that is needed with very specific skills to reduce the amount of city councillors that will be on the board

and more public representation and specific skill sets that are needed. Thank you.

Madam Chairperson: We thank the minister.

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

* (18:20)

Mrs. Bonnie Mitchelson (River East): Madam Chair, I just want to say that I would like to commend the board and the staff at the Convention Centre, the administration, for the good work that they do. I think our Convention Centre is a showcase for our city. Having attended many events at the Convention Centre, I know, dealing with organizing events, that we have nothing but professional service and great support. So I just want to say to those that run and manage the Convention Centre, "A job well done. Congratulations and keep up the good work."

Madam Chairperson: We thank the member.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Clauses 1 and 2–pass; clauses 3 through 6–pass; clauses 7 through 10–pass; clause 11–pass; enacting clause–pass; title–pass. Bill be reported.

That concludes the business before this committee. What is the will of the committee?

An Honourable Member: Rise.

Madam Chairperson: The hour being 6:21 p.m., committee rise.

COMMITTEE ROSE AT: 6:21 p.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Bill 2–The Private Investigators and Security Guards Amendment Act

Mr. Lanny McInnes, Retail Council of Canada

Retail Council of Canada

**A Submission on
Bill 2 – The Private Investigators
And Security Guards
Amendment Act**

**Presented to:
The Standing Committee on Justice
Room 254
Legislative Building
Winnipeg, MB R3C 0V8**

November 22, 2005

**Prepared By:
Lanny McInnes
Director, Government Relations & Member Services
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RETAIL COUNCIL OF CANADA

Retail Council of Canada (RCC) was founded in 1963 to be the voice of retailing in Canada. It is a non-profit, member-funded industry association representing the general merchandise retail trade.

RCC's more than 9,000 members include national department store chains, national and regional discount chains, mid-sized specialty stores and independent merchants.

About 90% of RCC's members are small store operators, typically with one or two outlets. Together, RCC's members account for 65% of Canada's general merchandise sales. Current annual general merchandise sales comprise approximately \$100 billion of the \$260 billion total retail market.

In order to better serve our members in Western Canada, RCC established a permanent regional office in Manitoba in August 2003. From that office, RCC provides regional representation to its members and establishes a voice for retail with the Manitoba and Saskatchewan governments.



PROFILE OF THE RETAIL INDUSTRY

National Overview:

The retail industry is one of the most competitive and vibrant sectors of the economy, representing 5.6 per cent of the national GDP. Nationally, it generated more than \$346 billion in 2004 annual retail store sales, an increase of 5.0 per cent over the previous year.

Retailers offer consumers an enormous range of products from around the world, sold through many types of retail formats. In supplying the products Canadians need and want, retailers establish and maintain close links with their communities. They have a unique insight into Canadians' mindsets through their shopping patterns and thus insight into the economic health of our country.

Manitoba Overview:

The retail sector is a vital contributor to Manitoba's economy accounting last year for 6.5 per cent of the provincial GDP. It achieved close to \$12 billion in 2004 annual sales – an increase of 7.6 per cent which outpaced the national average. (Figure 1)

Figure 1: 2004 Annual Retail Store Sales by Province

Jurisdiction	2004 Sales \$ Millions	2004/2003 % Change
Canada	346,877.10	5.0%
Manitoba	11,754.90	7.6%
Newfoundland & Labrador	5,721.50	0.8%
Prince Edward Island	1,380.20	0.0%
Nova Scotia	10,236.20	2.5%
New Brunswick	7,963.40	2.1%
Quebec	78,626.50	4.6%
Ontario	128,844.60	3.0%
Saskatchewan	10,273.70	4.2%
Alberta	43,789.60	11.2%
British Columbia	47,106.90	7.0%
Yukon Territory	424.7	0.6%
Northwest Territories	523.1	-1.7%
Nunavut	232	-0.4%

Source: Adapted from Statistics Canada, Table 080-0014 - Retail trade, sales by trade group based on the North American Industry Classification System.



Manitoba's year-to-date sales (January - July 2005) are more than \$7 billion, an increase of 6.7 per cent. (Figure 2)

Figure 2: Year-to-Date Retail Store Sales by Jurisdiction

Jurisdiction	2005 Year-to-Date Sales \$ Millions	2005/2004 % Change
Canada	206,885.50	6.3%
Manitoba	7,026.80	6.7%
Newfoundland & Labrador	3,265.10	2.5%
Prince Edward Island	796.5	2.8%
Nova Scotia	5,949.50	2.6%
New Brunswick	4,692.20	5.6%
Quebec	47,693.10	7.1%
Ontario	75,557.60	4.8%
Saskatchewan	6,249.10	8%
Alberta	27,010.70	11.7%
British Columbia	27,916.90	4.8%
Yukon Territory	251.9	4.7%
Northwest Territories	337.2	13%
Nunavut	138.7	5.5%

Source: Adapted from Statistics Canada, Table 080-0014 - Retail trade, sales by trade group based on the North American Industry Classification System.

Retail is Manitoba's third largest employer. Retail employment represents more than 11 per cent of the province's total labour force, directly employing close to 69,000 Manitobans. (Figures 3 & 4)

Figure 3: 2004 Retail Labour Force

Region	Total, All Industries (in 000s)	Retail trade (in 000s)	% of Provincial Labour Force	Rank by # in Labour Force
Canada	17,183.4	2,024.7	11.78%	2nd
Manitoba	608.2	68.8	11.31%	3rd
British Columbia	2219.2	266.9	12.03%	1st
Alberta	1843.4	211.2	11.46%	1st
Saskatchewan	507	61.2	12.07%	1st
Ontario	6775.3	760.1	11.22%	2nd
Quebec	4016.5	493.6	12.3%	2nd
New Brunswick	388.3	46.4	11.95%	3rd
Nova Scotia	484.3	63.2	13.05%	1st
Prince Edward Island	75.2	9.5	12.63%	1st
Newfoundland & Labrador	255	36.4	14.27%	1st

Source: Statistics Canada, Labour Force Historical Review 2004®, adjusted by RCC\





Figure 4: Manitoba Labour Force by Sector, 2004

INDUSTRY	LABOUR FORCE (IN 000's)
Total, all industries	608.2
Health care and social assistance	79.3
Manufacturing	72
Retail trade	68.8
Educational services	44.2
Public administration	38.2
Accommodation and food services	36.6
Transportation and warehousing	35.8
Finance, insurance, real estate and leasing	31.1
Agriculture	30.3
Construction	30.1
Other services	26.9
Professional, scientific and technical services	25.5
Information, culture and recreation	24.7
Business, building and other support services	22.4
Wholesale trade	19.7
Unclassified industries	9
Utilities	7
Forestry, fishing, mining, oil and gas	6.4

There are approximately 7000 retail establishments in Manitoba which represent 9 per cent of the provincial total.

When considering businesses with a payroll and a fixed address (the key criteria Statistics Canada uses to classify a business establishment), the retail industry has the third largest number of business establishments in Manitoba (7006)

When including “indeterminate” businesses such as sole proprietorships and partnerships, (i.e. usually without a payroll) retail is still Manitoba’s third largest industry – 2,555. (Figure 5.)

RCC has included the figures for “indeterminate” businesses because they are representative of a number of businesses in the retail trade.



Figure 5: Retail Establishments in Manitoba, 2004

Sector	(A) Total Business Counts	(B) Indeterminate Businesses	(A-B) Subtotal
Total	78119	42236	35883
11 - Agriculture, Forestry, Fishing and Hunting	16393	12917	3476
23 - Construction	7498	4217	3281
44-45 - Retail Trade	7006	2555	4451
81 - Other Services (except Public Administration)	6081	2316	3765
54 - Professional, Scientific and Technical Services	5955	3550	2405
53 - Real Estate and Rental and Leasing	4582	3361	1221
48-49 - Transportation and Warehousing	4199	2456	1743
41 - Wholesale Trade	3765	1615	2150
All Other Industries	22585	9249	13391

Source: Adapted from Canadian Business Patterns, June 2004, SGC 2001, Statistics Canada.

The retail sector reaches into every corner and community of the province. However, more than half of all retail establishments in Manitoba. are found in Winnipeg. (Figure 6)

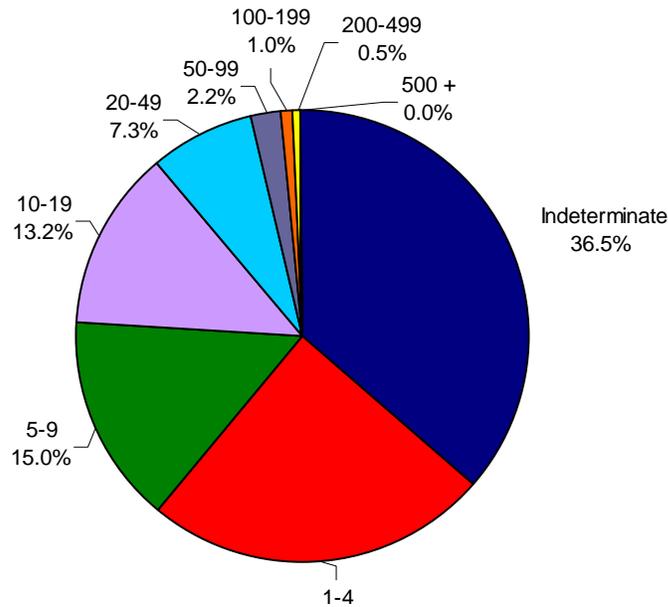
Figure 6: Number of Retail Establishments for selected Manitoba Census Metropolitan Areas (CMA's) by Employee Size, 2004

CMA	Total	Indeterminate	Subtotal	1 - 4	5 - 9	10 -19	20- 49	50- 99	100- 199	200- 499	500+
Portage la Prairie	154	45	109	50	31	16	7	3	2	0	0
Brandon	385	124	261	87	73	58	34	3	3	3	0
Thompson	73	18	55	12	20	7	9	4	3	0	0

Source: Adapted from Canadian Business Patterns, June 2004, SGC 2001, Statistics Canada

A fact often overlooked is that, in spite of some high-profile big players, the retail business is still essentially small business. The majority of retail businesses employs fewer than four people and has sales of less than \$500,000 annually.

Figure 7: Retail Businesses in Manitoba by Employee Size



Source: Adapted from Canadian Business Patterns, June 2004, SGC 2001, Statistics Canada

In this context, Retail Council of Canada is pleased to have the opportunity to provide the views and perspectives of Manitoba's retailers to the Committee.



LOSS PREVENTION IN RETAIL

When looking at the application of this legislation to the retail sector, it is important to remember that retailers are not willingly in the loss prevention business. Reacting to crime is an act of self-preservation. Retailers implement loss prevention strategies and the subsequent costs into their business plan in order to survive in a competitive environment. Unlike third party providers of investigative and security services, for retailers there is no profit in making an arrest. However, the cost of doing nothing to mitigate crime in retail is potential business failure accompanied by the resulting loss of jobs.

When thinking about crime occurring in a retail store, most people think only of shoplifting. Over time, retailers have struggled to have this activity properly identified as the criminal offence of theft. Theft is part of a much larger problem called inventory shrinkage. But in fact, there are a variety of other retail crimes not covered under the shrinkage umbrella, including credit card fraud, counterfeit currency, robbery, breaking and entering and numerous other criminal activities. All these crimes significantly affect retail sales, the availability of product for sale, the safety of employees and customers, increased consumer costs, higher insurance premiums and increased deployment of staff time and resources, just to name a few.

For the past two decades, RCC has undertaken the annual benchmarking of financial losses attributed to inventory shrinkage by retailers across Canada. The disappearance of these assets is attributed to a combination of internal and external causes: employee defalcation, customer theft, administrative errors, and vendor dishonesty.

The *2004 Canadian Retail Security Report* determined that the cost of all crime in some retail environments is almost one half of net profits. Inventory shrinkage was the most significant factor in this result. Inventory shrinkage in Canada represents a loss of more than \$3 billion per year or approximately \$8 million per day. Using the percentage of retail establishments in Manitoba (3 per cent) to extrapolate a provincial figure, inventory shrinkage in Manitoba represents approximately \$90 million annually, or just over \$246,500 per day.

Shrinkage does not include costs for retailers to train staff in ways to prevent losses, or investment in asset protection personnel and technology such as closed circuit television and electronic surveillance tags. In 2002, the direct cost of personnel and equipment to curb the cost of crime was \$520 million. Again using the percentage of retail establishments in Manitoba as a starting point, this represents spending by Manitoba retailers of just under \$15.6 million annually to mitigate losses to crime. Thus for retailers, it simply makes good business sense to prevent crime. Retailers most often take a holistic approach to loss prevention; everyone from Sales Associates and Cashiers to the President and Chief Executive Officer are involved in maximizing safety and ensuring profitability.



This total integration of loss prevention into the fabric of the business aims to protect people and property from all threats thereby ensuring survivability in a competitive environment.

While ultimately any loss prevention strategy must meet the needs of the retailer in providing a great place to shop, work, grow and invest, by being implicitly linked to the mission, vision and values of the company, loss prevention strategies inevitably differ significantly across the retail sector. One size does not fit all.

For example, with respect to training, the types of skills necessary to thwart criminal activity range across the retail sector from almost non-existent and reactive to highly professional and proactive. Small businesses or "mom and pop" retail operations are long on hours and short on loss prevention skills and training. In contrast, in large retail settings there is a division of specialties that often overlap in the protection of people and property. It is not uncommon for staff other than loss prevention officers to have responsibility for occupational health and safety, internal investigations, auditing, risk management and staff training. While some retailers develop personnel as specialists within a specific task, other retailers develop "jacks of all trades". Staff training emphasizes each particular merchant's philosophical approach to loss prevention.

Despite these differences in approach, retailers agree that the protection and response to crime occurring in the business is increasingly becoming a business responsibility. In 2003, more than 100,000 people were arrested in retail stores in Canada for criminal offences. It is important to note that very few civil torts or criminal complaints related to these arrests were reported. This is not surprising, as retailers have invested way too much in promoting and marketing their company to risk an incident that would adversely affect public perception. Having all interaction between the retailer and a culprit managed in a professional manner is ingrained into the training and philosophy of the retail approach to loss prevention. Improperly interacting with a culprit is contraindicated.

While the responses to loss prevention come in a variety of types, responsibilities, training and challenges across the retail sector, they all share the same goal of diminishing losses and increasing profitability. Retailers have already done their due diligence in relation to training for in-house retail loss prevention officers, and request that any proposed changes to the Act recognize this and allow flexibility for retailers to continue to adapt to the unique environment in which they operate.



BILL 2 – THE PRIVATE INVESTIGATORS AND SECURITY GUARDS AMENDMENT ACT

RCC appreciates the opportunity to provide the Standing Committee with comments on Bill 2, the *Private Investigators and Security Guards Amendment Act* (the Act). RCC's Resources Protection Network - a group of retailers whose mandate is to support the retail industry by educating, communicating and advocating proactive asset protection strategies - initiated a working group in the Fall of 2004 to develop a course of action in response to legislation proposed in Ontario regarding standards for private investigators and security services. At that time, RCC and its members indicated support for the proposal of having standards in the security guard industry. Our position has not changed since then and we look forward to working with the Manitoba government to develop those standards to ensure that they support the needs of the community as well as retailers.

With respect to the legislation itself, RCC and its members respectfully submit the following specific comments and recommendations for consideration:

Interpretation and Application

We feel that there should be a clear definition of who is impacted by the changes to the Act. We recommend that the proposed changes only affect those personnel actually designated with responsibility for responding to criminal activity within the retail environment, that is, loss prevention officers who are solely authorized and responsible for making arrests.

The proposed definition of in-house security guard provided notes that an in-house is “a security guard who is permanently employed by one employer in a business or undertaking other than the business of providing security guards, and whose work is confined to the affairs of that employer”. As a result of retailers' holistic approach to loss prevention, it is unclear if this definition will capture a great number of retail employees not intended by the Act.

RCC recommends that another category, such as retail loss prevention personnel, be added to the definitions in the Act. The responsibilities of retail loss prevention personnel do not easily fit into either the definition of security guard or private investigator; in many cases there will be overlap. Thus, the provision in the Act that a person may not act as a security guard and a private investigator at the same time is of great concern to the retail sector. A new category for retail loss prevention personnel would provide clarity and ensure that only persons intended to be captured under the Act are regulated.



Training

RCC and its members support training and testing requirements for security personnel but want to ensure that retailers have the ability to choose the delivery of the training that is most appropriate for them.

Retailers have already done their due diligence in relation to training for in-house retail loss prevention officers and want to ensure that the regulations do not duplicate the considerable financial resources invested in the development of internal training programs already in place.

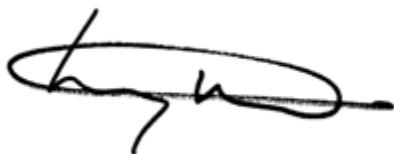
We recommend that the government set minimum training standards and then allow private training programs to develop around those standards to allow for the recognition of existing training programs. The retail industry should be enabled to develop applicable standards and self-certify.

CONCLUSION:

In this submission, RCC has clearly explained why loss prevention in the retail sector is unique. In order to recognize this distinctiveness and ensure that only those security professionals intended to be licensed are captured by the Act, RCC recommends a separate category for retail loss prevention personnel. RCC has also raised a number of areas on which we look forward to receiving clarification.

As noted at the outset, RCC and its members support the proposition of having standards in the security guard industry. The retail sector is a major employer of third party contract security and investigative personnel to augment their loss prevention strategies and welcomes the expansion of standards within that industry. We look forward to working with the government to develop those standards to ensure that they support the needs of the community as well as retailers, and to working with all stakeholders to make Manitoba communities safer.

All of which is respectfully submitted,



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NOTES:

