



Third Session - Thirty-Seventh Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
INDUSTRIAL RELATIONS

Chairperson
Mr. Daryl Reid
Constituency of Transcona



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSON, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
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MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
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REIMER, Jack	Southdale	P.C.
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WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS

Wednesday, May 22, 2002

TIME – 6:30 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Daryl Reid
(Transcona)**

**VICE-CHAIRPERSON—Mr. Cris Aglugub
(The Maples)**

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Mr. Ashton, Hon. Mses. Barrett,
McGifford

Messrs. Aglugub, Derkach, Gilleshammer,
Ms. Korzeniowski, Messrs. Laurendeau,
Nevakshonoff, Reid, Tweed

APPEARING:

Hon. Jon Gerrard, MLA for River Heights
Hon. Scott Smith, Minister of Consumer and
Corporate Affairs

WITNESSES:

Ms. Janet Sabourin, Private Citizen
Mr. Alex Forrest, President, United Fire-
fighters of Winnipeg, and International
Association of Firefighters Representative
Ms. Nancy Klassen, Private Citizen
Ms. Gerry Schedler, Private Citizen

MATTERS UNDER DISCUSSION:

Bill 5—The Workers Compensation Amend-
ment Act

Mr. Chairperson: Good evening, ladies and gentlemen. Will the Standing Committee on

Industrial Relations please come to order. This evening, the committee will be considering Bill 5, The Workers Compensation Amendment Act. We have presenters registered to make presentations on Bill 5, The Workers Compensation Amendment Act.

It is the custom to hear public presentations before consideration of bills. Is it the will of the committee to hear public presentations on the bill, and, if yes, in what order do you wish to hear the presentations?

Mr. Tom Nevakshonoff (Interlake): As they are numbered on the sheet here. But I might suggest that, if there are any presenters from out of town, they be allowed to present first so that they can get home in a timely manner.

Mr. Chairperson: Is it the will of the committee to hear out-of-town presenters first? [*Agreed*] I will, then, read the names of the persons who have registered to make presentations this evening. I think you may have a list of the names in front of each of the committee members. I will start from the top of the list: Mr. Alex Forrest, Ms. Nancy Klassen, Ms. Gerry Schedler and Ms. Janet Sabourin.

Floor Comment: Sabourin.

* (18:40)

Mr. Chairperson: Sabourin? Pardon my Anglicizing of the name. I apologize for that. Those are the names of persons and organizations that have registered, so far. If there is anyone else in the audience that would like to register, or has not yet registered and would like to make a presentation, would you please register at the back of the room with the clerk. Just a reminder that 20 copies of presentations are required, and, if you require assistance with

photocopying, please see the Clerk of this committee.

Before we proceed with the presentations, is it the will of the committee to set time limits on presentations?

Mr. Nevakshonoff: Mr. Chair, might I suggest that we limit presentations to 15 minutes and then have 5 minutes for questions with the Chair's discretion to offer some latitude, if you deem it necessary? *[Agreed]*

Mr. Chairperson: The committee will hear presentations 15 and 5, with latitude. How does the committee propose to deal with presenters who are not in attendance today, but have their names called? Shall these names be dropped to the bottom of the list? *[Agreed]*

As a courtesy to persons waiting to give presentation, did the committee wish to indicate how late it is wishing to sit this evening?

Mr. Nevakshonoff: I suggest we sit to at least midnight and if we are still here, at that point in time, that we reassess the matter.

Mr. Chairperson: Is it the will of the committee to sit until midnight, with reassessment at that time, as need be? *[Agreed]*

Thank you to members of the committee.

Bill 5—The Workers Compensation Amendment Act

Mr. Chairperson: We will now proceed with public presentations. The will of the committee is to call out-of-town presenters first, and I believe Ms. Janet Sabourin is an out-of-town presenter. We call Ms. Sabourin forward, please.

Ms. Janet Sabourin (Private Citizen): My husband was Norbert Sabourin. I have a few papers I would like to hand out.

Norbert was a firefighter for the City of Winnipeg for 10 years, and he got brain cancer in his tenth year as a firefighter. His cancer was pinpointed to the brain. He loved his job. There was no two ways about it. When he got onto the

fire department, he was ecstatic when he was accepted. It has been his life ever since.

Since he has been gone—I had three children at home—and just before Norbert passed away, I had two that were graduating that year. He never got to see them, and now I have a son getting married and he will not see that either. He will be there in spirit. I have a picture of Norbert. This was his life. We lived in the country and he enjoyed the outdoors. He was very, very healthy. He enjoyed his walks, and this was his second life.

His first life was his fire department. The country was his second life. He loved it. Norbert, when they diagnosed him with cancer in the summer of '95, he started with the headaches and he never said anything about them because he was not a complainer. Then it got to the point in October that he just could not take it anymore and we took him to the hospital. They finally diagnosed him with the cancer. He had the tumor removed partially. They could not take the whole thing out and he was graded with a level 4 glioblastoma multiform cancer, which is the worst cancer that there was. When he had the tumour removed, they told him to have a good summer because, from what we understood, that was going to be his last summer. Sure enough, it was. He went downhill after that, and, in March of '97, he passed away.

It has been five years, and it has been very hard for myself having to bring up the kids myself, having to go to their graduation. Like I said, now I have a son that is getting married. For myself, I did not work when Norbert was employed through the fire department but, since then, I have started up a job in October after he passed away. Since then, with that job, I took on another job as well. So I am a workaholic now. Norbert was my friend. We did everything together. That is about it. If you have any questions, I would be more than happy to answer them for you.

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

Hon. Becky Barrett (Minister charged with the administration of The Workers Compensation Act): I do not have any question but

just a comment. It is very difficult, under the best of circumstances, to stand in front of this big, long table with all these people here in this big, huge room to make a presentation. I cannot even imagine how much more difficult it is for you. I thank you very much for sharing your story.

Mr. Leonard Derkach (Russell): Thank you very much, Ms. Sabourin. I think every member around this table feels for you and for what you have gone through. When this bill came before the Legislature, I think it was one where all parties were in agreement that it needed to move forward. Some would say that it should have moved forward before, and that is probably true, but this is probably the second-best time, and we had better do it right when we are moving it ahead.

One of the issues that we have had with the bill is that it does not cover people who are in your circumstance. As I understand it, the bill does not retroactively cover those who have suffered and who have left families. I think in total there are about 17, as I understand it, who would find themselves in this position. I am wondering if you could shed some light on that aspect of the coverage or what could be coverage under this bill.

* (18:50)

Ms. Sabourin: We are asking for retroactivity for those that have passed away, for their families, because of the fact that some, I find, are probably having a hard time making ends meet. I know that this bill is one that is a long time in coming, and I am very glad to see that it has been looked at, now, a lot more seriously. I really do not know what else to say.

Mr. Derkach: Do you know how many families, specifically, would be affected if, in fact, there was a retroactive clause put into this bill?

Ms. Sabourin: From what I have been told, we would probably be looking at the possible 17 families that we would be going back to. As to exact numbers, I am sorry.

Mr. Derkach: So, if, in fact, there were 17 families that, I think, go back to 1985—are the numbers that I have—that would mean that under the compensation program, we would be looking at something in the neighbourhood of \$2 million or less, in total compensation as I understand it, which would mean that, in an overall sense, it would look after, not fully, but would go a long way to easing the mental stress, the physical stress, the pain those families have suffered as a result of their loved ones' being affected by the work that they do.

If we do not enact the retroactive clause in this legislation, that would mean those families would, in effect, fall through the cracks forever. I guess I would ask whether the families that you know, who have lost a loved one as a result of this, would support a retroactive clause in this bill.

Ms. Sabourin: Yes, I do. I do believe that they would. Myself, I know that I have tried to fight this. Like, we filed a claim once before and, at that point, they said that they could not determine, like in Norbert's situation, they cannot relate it to the job. I feel differently about that. Norbert does not come from a family that has suffered from cancer. There is no cancer in our family, whatsoever. I find that, if this retroactivity does not go through, I do not think that we will stop fighting for this. We are hoping that, with this bill being passed, it will, like you said, ease the mental and financial pressure that is on some of the families.

Mr. Derkach: Just one final comment and question. I know this could have been done sometime ago, and should have been done sometime ago, but, as I said, this is the second best time, so, perhaps, we should do it right.

From what you have indicated, there seems to be support from the other families who would find themselves in this position. I am wondering if, in fact, we were able to convince the minister to adopt an amendment, whether this would go a long way to helping all firefighting families. I think that, because they have passed on and because, at the time, there was no scientific evidence that their disease was caused by their work conditions, because we do have the

evidence today and we should be able to extrapolate from that, because of their type of work, they, too, should be included in that presumption clause of the legislation.

Mr. Chairperson: Ms. Sabourin, did you have any comments on that?

Ms. Sabourin: No, but I do agree.

Mr. Chairperson: Are there any questions from other committee members?

Hon. Jon Gerrard (River Heights): I just want to say thank you for coming forward and telling us your story. I just wish you all the best and your family all the best.

Hon. Steve Ashton (Minister of Transportation and Government Services): I would like to also thank you. I know it is not easy. I remember a number of years ago when this issue was first before the Legislature, flying back to my community in Thompson, and one of the flight attendants, as it turned out, was one of the widows of a firefighter. I had long discussions with her and why I really appreciate your bringing it forward is what this means and what this has meant to your family. This cannot have been easy, and you have a lot of guts coming out here tonight. I know that is important. So thank you very much.

Mr. Chairperson: Any other questions from committee members? Thank you, Ms. Sabourin, for coming here this evening.

Next presenter, we will call Mr. Alex Forrest. Thank you, Mr. Forrest, for copies of your presentation. You may proceed whenever you are ready.

Mr. Alex Forrest (President, United Firefighters of Winnipeg, and International Association of Firefighters Representative): I would like to thank the committee for allowing me the time here this evening. I am speaking to you on behalf of the professional firefighters of Manitoba and their families. I am a firefighter here in Winnipeg and I have 13 years of service to the citizens of my city. I would like to thank all three elected parties for their support of this bill, so far, during the second reading.

I am not going to go into the dozens of studies that point to a conclusive link between urban professional firefighters and the five cancers that you have listed before you. I believe that the report that you have from Guidotti and Goldsmith properly summarizes the science that is behind this bill.

In a firefighter's workplace, our work environment is uncontrolled. The normal rules of refusing unsafe work do not apply to us. We have no control over the air quality, the toxic gases emitted from fires; we have temperatures in the work area of up to 1000 degrees Fahrenheit, visibility which is often zero; we have structural uncertainty and instability in our work area, which are common.

The toxins that fires produce and our continued exposure to these gases are why we are here today. The toxins that we are exposed to include carbon monoxide, asbestos, benzene, chloroform, formaldehyde, halons, hydrogen cyanide, hydrogen chloride, nitrogen dioxide, and the list goes on.

At a fire, we will encounter not just one but many toxic gases, and, when you mix them, the toxicity level is not one plus one equal two, but one plus one equal five on the toxicity danger levels. We, as firefighters, know the dangers of our job. We know the dangers that we face at the scene of a fire, and we know the repercussions of the toxins that we may face in the future. We have all known brothers who have died of cancer, all firefighters. In fact, since 1987, over a dozen Winnipeg firefighters have died of cancer. Since I have been president, we have lost five brothers to cancer, and every one of these people was approximately 50 years of age or younger.

We have excellent equipment and breathing apparatus to protect us from fires, but that is not enough. The nature of our job means that we cannot eliminate all dangers.

* (19:00)

I have a little exhibit I would like to show. What I will do is I will pass this around. This is an example of our protective clothing. There are times where the protective clothing is not enough, and, every single fire we go into, this

material that we wear protects us from fires. But it is no protection against benzene or any of the danger toxins. As well, it is not a sealed hazardous material suit. We have points of entry throughout the suit that enable the toxins to get on our skin, to get into our blood streams, and, as a result, those toxins cause cancer. That is a fact. I will have this later, if anyone wishes to look at the specific clothes.

The clothes that we have, in particular, are some of the best in the world. In Winnipeg, we have excellent firefighting clothes, but it is just not enough. Firefighters are still going to die of cancer because of our occupation.

We are a very proud and close organization, and when I have tried to help my brothers deal with their terminal cancer, their main concern was not for their own well-being but for the well-being of their families.

Since this bill has been put forward, the issue of retroactivity has become as important as the bill itself. It seems that both the Government and the Opposition want to do what is right, and enacting the retroactivity is the right thing to do. We support the bill as it stands now. However, we believe retroactivity could work because of the science of this bill which is applicable to the early 1990s. The study that you have from Guidotti and Goldsmith is not a new study. What it does is it summarizes the studies that we have received from the early 1990s.

One of the largest studies ever done in North America was the mortality study of 1992 which studied Toronto firefighters from 1950 to 1989. This is still the largest study ever done in Canada and this was a real watershed, because it led to many other studies, such as Guidotti's study in 1993 on urban firefighters in Alberta. As well, Guidotti and Goldsmith cite many studies from the early 1990s. So we believe that retroactivity is just a logical progression of what this bill is.

If we all understand that it is the right thing to do, we do not think that there are going to be any problems. I ask all members of the Legislative Assembly, from all three political parties, to pass this law as soon as possible. We currently have a brother who has been diagnosed with brain cancer. He has been told he has three

months to live. Since his diagnosis, three months and one week have passed. He has conveyed to me how much he hopes that he can be with his family when this bill becomes law. Thank you.

Mr. Chairperson: Thank you very much, Mr. Forrest. Madam Minister.

Ms. Barrett: Yes, thank you also for the part of the written presentation on the 1998 death and injuries surveys from the IAFF. It is very, very helpful.

I noted in there that—now I know this is North American—in 1998, the average age of those firefighters who died from duty-related causes was: line of duty injuries, 43 years, and occupational diseases, 61 years. I think that is interesting because it does say that, over time, the occupational disease starts to show itself, and it is a sort of a hidden kind of killer there, in many cases. So, these are very, very important things.

I also appreciate your comments about the role that the Guidotti study played, that it is a summary of a number of studies. It brings together, actually I think for the first time, a compilation of the major studies that have been done linking full-time firefighters with certain cancers—and stating that two times. These firefighters who are normally very healthy individuals are twice as likely as the general population to die of these cancers. I think that is a critical point. So thank you very much for your comments.

The work that you have done, you and the firefighters, over more than a decade, we are here tonight in no small part due to the work that you and the people, like the other presenters, have done. So thank you very much for, if I can say, keeping the flame alive.

Mr. Derkach: Thank you for your presentation, Mr. Forrest. I am sorry we did not have a chance to meet to discuss the bill in its entirety, but let me assure you that our caucus is in support of this bill. We have discussed the bill with the minister and have indicated to her that we are in support of the bill, but we would like to see some improvements to the bill.

I was struck in your presentation by a comment that you made here with regard to your fellow firefighters whose main concern, you say, was not for their own well-being, but for the well-being of their families. I take this statement to be true and I know it to be true. It is for that reason that I think it would be appropriate for us to include in this legislation those who have died as a result of cancer that was in all likelihood caused in the line of duty, if we can use that term. So we have discussed this in our caucus and would be supporting. I will be later this evening bringing forward an amendment that would include a retroactive clause in the legislation.

I must also tell you that we are prepared to speed passage of this legislation. I will be recommending to our House leader, I have already talked to him about it, that we would be prepared to move this bill through report stage, third reading, and Royal Assent tomorrow.

We would also be encouraging the minister to accept our amendments this evening. I think she probably knows the intent of our amendments. Basically they are in three areas. One has to do with the retroactive clause. The other that we feel quite strongly about is the volunteer firefighters, because, although the study refers specifically to urban full-time firefighters, I can tell you that for someone who lives in rural Manitoba, where we depend so heavily on volunteer firefighters, some of the circumstances that we find these firefighters being exposed to are probably the same as they are for full-time firefighters.

Although these people are called volunteer firefighters, they go out to every fire call that happens. When you have the chemical spills, some of the dangerous goods fires that occur as a result of the transportation systems that we have in our province, I believe that they too should be covered by this legislation and be allowed the same privileges that we will be extending to full-time firefighters here. All it means is that we simply acknowledge the value of both full-time and volunteer firefighters in our society and that we are prepared to go the extra mile to ensure that they and their families are looked after in times when they contract a disease that is listed in the legislation here.

So I guess my question to you would be whether you would see these amendments as positive to both full-time and volunteer firefighters for the province of Manitoba.

Mr. Forrest: Yes, retroactivity is a very important issue to us. It is a very important issue for these three brave ladies that are here today. One of the problems you get back from retroactivity is exactly how far do you go back? I have heard people say 1987, and the 17 firefighters, but just the other day I got a call from a family. Her husband died in 1979 of a cancer. No matter what the decision is you just cannot cover everybody. We understand that.

One of the things that we have done tremendously is we have worked to try and provide all of you with the latest studies. Our international, not only here in Canada, but the United States, has spent millions of dollars on studies to show a conclusive link. That is why you see the influx of the studies come forward in the early 1990s. So in regard to the issue of retroactivity, it is going to be a very difficult decision for all of you. I wish you luck on that.

We do support retroactivity, but, exactly when, I do not have an answer for you. I cannot give you a particular year because there is going to be a firefighter that died the previous year. I will do everything I can to assist whatever the legislation is to make sure that our firefighters are covered.

* (19:10)

This legislation is extremely well written because it is based on science of the early 1990s. One of the tragic things about this is we had this science in the early 1990s. I commend the Conservative opposition in coming forward now and saying now is the right time to do it and not making it political. I commend you on doing that.

The issue of the volunteers: I have great respect for the volunteers and what they do for their communities and many of the communities rely heavily on volunteers. However, I have probably researched more than any other person in the city of Winnipeg in regard to firefighting

and cancers and the five cancers listed are conclusively linked. It has always been urban, professional, full-time firefighters. I am not aware of any volunteer firefighter studies. That is where the problems arise. I will endeavour to even try and do further research to see if there are any studies to assist the groups because they are firefighters, and we are all brothers at hand.

Mr. Derkach: I know we have a time limit. I just want to say, congratulations to you and your organizations for doing the studies. I do not believe that we should spend millions of dollars again, or thousands of dollars again, to redo studies for the volunteer firefighters. In a small province like Manitoba, we depend so heavily on volunteer firefighters that I think it would be just good common practice and common sense to extend that coverage to those firefighters. Although we do not have any cases that are before us right now, there probably will be a case in the future. Where that happens and, although there have been brain cancers and that sort of thing in rural Manitoba in the past, maybe they have not been linked specifically to that exposure, but in the future they probably will be. With the kinds of toxins that we are looking at in the world today and the transportation of these goods, I think it is just prudent for us to ensure that these families are also extended the same privileges that we are extending to full-time people today as well.

Mr. Ashton: I wanted to thank the presenter. If you go back over the years—I mentioned this in the Legislature and I wanted to mention this with you directly—I think the largest petition in Manitoba history, certainly recent history, was on this issue. I remember tabling a lot. Bill Laird, that whole group at the time, and this is something that really has been kept alive in some difficult times. My question, though, because I think we are, in a few minutes, going to be doing what should have been done a number of years ago, but I am really curious, I have seen some of your comments, we have had a chance to discuss this directly too, how this legislation compares to other jurisdictions. We are in a unique situation here in the sense that there is a whole legal history to what happened here, but firefighters in other jurisdictions are facing the same situation, long-term exposure to hazardous chemicals, dealing with Workers

Compensation claims and, dare I say, the same situation with the families, with widows and others. I am curious as to how this legislation is going to impact elsewhere in Canada and North America, whether we can help Manitoba not only correct what should have been done perhaps years ago but perhaps maybe set a new standard.

Mr. Forrest: There are jurisdictions within the United States that have presumptive legislation for firefighters on cancer. Firefighters from across Canada have been dying of cancer for years; however, not one jurisdiction has ever passed a law for cancer in connection with firefighting. This is, and I cannot explain the significance of that to all of you, but all of you should be very proud that Manitoba is going to be the first province in Canada to recognize this, and it is strongly supported by the public.

I have recently been on national news shows, radio shows, and one of the shocking things that came out is that people cannot believe that firefighters are not covered for this right now. Manitoba should be very proud. The NDP should be very proud for putting it forward. The Conservatives should be proud of not making this a political issue. On behalf of all of us, not only in Manitoba but all firefighters across Canada, this is a huge step and it will result in other jurisdictions receiving similar jurisdiction. We have already had firefighters in British Columbia meet with their Premier. We have already had firefighters in Ontario do this. We have had firefighters in Newfoundland, Nova Scotia, do this. They are very enthusiastic over this. There was a recent national news story from Ontario, the number of Ontario firefighters that are not covered. This is enormous for the firefighters. You should be very proud of what you are doing here tonight.

Mr. Marcel Laurendeau (St. Norbert): Thanks, Alex, for your presentation. I am going to try not to stray too far here, but I think the members have already touched on the right areas of this bill. In your statement, in firefighters' workplace our work environment is uncontrolled, the normal rules on refusing unsafe work do not apply to us, there is certain safety equipment that could be offered to our firefighters that is available out there today.

Have you recommended, or would you recommend, that Workplace Safety and Health put in place a requirement that the City of Winnipeg put those pieces of equipment on every truck, including the heat cameras and the other protective gear that would protect our firefighters into the future?

Mr. Forrest: In regard to protective clothing or regard to other pieces of equipment?

Mr. Laurendeau: There is other equipment that is available that the City does not have, I understand. There is also some equipment or some helmets that they do not have that are available that would better protect our firefighters, as well as there are the heat-seeking cameras which I understand we have a couple of them now but we do not have that many. Would it not be a benefit to have some protection for our firefighters in the Workplace Safety and Health seeing as they cannot refuse the unsafe working conditions as other people can do under the act? Should there not be something to force the City to implement those safety precautions for our firefighters?

Mr. Forrest: To begin with, I want to be very fair to the City. We have the best science has to offer in regard to protective clothing, SCBAs. There is always technology that is out there that we wish we had. We wish we had more thermal imaging cameras, medical equipment. That is always an issue that we have always supported and no matter what happens here today we always push for the latest developments. I think most of you know firefighters have never been shy in saying whenever we need equipment or services, but I appreciate the comments.

Hon. Scott Smith (Minister of Consumer and Corporate Affairs): I would like to thank you for your presentation, Mr. Forrest. In reading through this presentation, I am just curious if you could elaborate a bit for the committee. Firefighters in general, I know the City of Winnipeg firefighters and many of the other urban centres in Manitoba have similar shifts. Could you tell us, just No. 1, the amount of hours that a firefighter works, regular hours they work in a week and, as well, most firefighters, I know different communities will have different links to retirement. Could you just elaborate on

the amount of years that a lot of firefighters will work until they retire?

Mr. Forrest: I believe every professional urban firefighter works the same shift. The shift is two 10-hour days followed by two 14-hour nights. So we work 48 hours within a five-day block followed by three days off. In regard to the amount of hours we work, I believe it is an average of a 42-hour work week over an eight-week cycle, but the amount of time that we do spend in the fire hall once we begin the tour is quite enormous. We have 14-hour night shifts and 10 hours between the two night shifts

In regard to the longevity, firefighters have always worked very long. I believe there are limits to firefighters only working until 65. Firefighters are retiring earlier, but it is still 30 to 33 years the average retirement years of service. That is one of the important elements in regard to dealing with volunteer issues. The longevity is just not there with the volunteers and that is one of things that we have to remember about this bill. It is connected to longevity. The five cancers are all connected to longevity of service. For instance, brain cancer is 10 years. Leukemia is 5 years. Kidney cancer, I believe, is 15 years. Bladder cancer is 20 years. So it is connected to longevity. I believe that is one of the reasons why you see studies that show urban professional firefighters.

* (19:20)

I would like to compliment the Cabinet in putting this bill forward. I think one of the reasons why it is so knowledgeable about firefighting is because you yourself are a firefighter, and you have been able to bring that knowledge forward. On behalf of the firefighters of Manitoba, I would like to thank you for bringing that expertise to the NDP caucus.

Mr. Smith: Just one more quick one to finish up. Thank you. I know we talked about responding to fires and different equipment that you have, and workplace health and safety, obviously, with firefighters, you have your general operating guidelines and your standard operating procedures, but many times you will find yourself trapped in a situation, I think, is what happens quite often to firefighters. I know

the frequency of chemical suits and the expertise that the Winnipeg firefighters have. Are you called often, even outside the city, to respond to anything regarding chemicals or chemical suits? Could you just highlight the expertise you have in response to City of Winnipeg firefighters and some of the urban firefighters?

Mr. Forrest: Given the fact we are the largest firefighting force in Manitoba, what occurs many times is many of the outlying areas around Winnipeg have asked for our assistance not only in water rescue, technical rescue, trench rescue and in fact hazardous material; they do have the ability to ask for assistance. I understand there are various agreements between the City and some of the greater Winnipeg area municipalities, given the fact of the severity of each particular call that the volunteers in the particular area would not be able to handle the particular incident, they would ask us for assistance.

Mr. Gerrard: I would like to thank you for the efforts that you have put in over many years on behalf of firefighters and to try and get this legislation in place. I think it may set a standard which is useful not only for firefighters but for looking at when and where cancers which develop as a result of other occupational exposures should be considered for compensation and so on.

Mr. Chairperson: Mr. Forrest, did you have a comment?

Mr. Forrest: Yes. I heard your debate on second reading, and I was very impressed by the studies that you had cited, that a large percentage of cancers are a result of occupational disease, but yet firefighting seems to be the first occupation that will be recognizing this. So I believe, not only is it a huge step for firefighting in Manitoba and Canada, but for general labour. I believe it is a big step because the science that we have put forward, the studies that we have put forward, I believe other organizations will be able to use this to see if there is a connection between their occupation and occupational disease such as cancer.

Mr. Chairperson: No other questions? Thank you, Mr. Forrest, for your presentation this

evening. The next presenter we call is Ms. Nancy Klassen.

Good evening, Ms. Klassen. Welcome. You may proceed whenever you are ready.

Ms. Nancy Klassen (Private Citizen): This is an emotional time for all of us. It has been just a little over three years since I lost my husband. I remember, shortly thereafter, getting a call from Alex Forrest saying that the firefighters association had acknowledged the fact that our husbands had died in the line of duty, even though it was through environmental death.

It was a proud moment for all of us when we heard that our husbands' names were going to be on the wall in Colorado Springs in recognition of their death and their service to the community and what they have done with their lives.

My husband loved his job and talked about it more so in the line of how much he loved what he did and the service that he could give to people, and it made him happy to know too that he could save lives. He was a very care-giving man, and I find all firefighters are that way. They are a special breed of men that give their lives every day for us and our families.

I am sorry for my emotion here. It has been a long haul with talking about this, and with it coming up again with legislation and all the media and coverage and whatever. We have all tried very hard to participate in that regard, and we are very proud of the steps that have been taken in this regard.

It is really difficult when you see a man that was so vivacious and full of life. He was a provincial champion of firefighter curling and went and represented Canada twice, and brought home the silver medal once. He actually won the gold once as a team member. He loved the outdoors and was a great man to entertain and have friends over, and very fun loving, and was the love of my life. The second marriage for both of us gave us four children. I know that part of his sadness was the fact that he did not see his children married and have grandchildren, and he would comment a lot about that. To see someone that was so full of life and outgoing not being able to speak anymore and losing mobility on his

left side, but never to the end did he not smile, like you see him.

We never gave up, but, of course, the prognosis was not great. I stand here today saying that I am proud of what he did, and I also want to say how proud I am of Alex Forrest, because he has worked so very hard for all of us to make this known amongst the province. For Manitoba to be the first, I think is a great accolade for all of us. Thank you.

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

Ms. Barrett: My first comment is do not ever be sorry for your emotions, never ever.

Secondly, you were talking about memories, and I am thinking you should be making memories with your husband, not having them of him. For that, I know we all truly grieve with you.

Again, as I said before, thank you for this very difficult journey you have made here tonight to share your story and your wonderful husband. I hope that we can through this—it is a step; this legislation is a step. Thank you so much, for coming here and sharing your story with us tonight.

Mr. Derkach: Thank you, very much. Ms. Klassen, I want to echo the minister's comments as well to you, and indicate that I think your husband is very proud of you in continuing to fight for what is right.

As I indicated before, we will be supporting this legislation and adding a couple of amendments to ensure that the right thing is done, once and for all, so that all of you whose husbands gave their all to save lives and to make our community safer can be done justice through the passage of this legislation.

Mr. Chairperson: No other questions?

Thank you, Ms. Klassen, for your presentation this evening.

Next we would like to call Ms. Gerry Schedler, please. Welcome. You may proceed whenever you are ready.

Ms. Gerry Schedler (Private Citizen): I just have a picture of Barry here and there are some pictures of Colorado when we all went down there.

Today is not easy for myself and the other girls. A lot of things are forever changed in our life. Our nightmare started four years ago when we heard the word cancer. Barry was 47 years old, full of life. Barry and I were raising our three children and growing old together. We were happy, just taking life for granted. Things were just coasting along fine. Barry was very proud to be a firefighter. He loved his job and wore his uniform with great pride.

* (19:30)

On May 30, 1999, all that changed. Barry passed away. He was gone forever. We were robbed. I lost my husband and my best friend, the children lost their father and the strongest role model in their lives. We had a lot of support with the fire department and family and friends all came together in hard times and helped us get through it. I guess the kids were my strongest thing that helped me get through it, I knew they needed me. They were so young. My youngest was 11 and Nicole, my daughter, was 14. Craig was 18. Barry passed away in May and he graduated, June, at the end of June. He did not end up going to his graduation because it was just too hard for him.

Sometimes I talk to the children. We talk about Barry. Phillip, the youngest one, he does not remember a lot of things, some things his Dad said or did. With Nicole, she just gets upset lots, she cries. She wants her Dad and he is not there to answer questions for her and help her. Craig was just at the age where he was starting to get to know his Dad. His Dad was starting to teach him how to work on cars and they were becoming buddies. The day Barry was diagnosed, that evening he said to me, and this will forever stick in my heart. He said, Ger, thank God it is me and not one of the kids. That is the kind of guy he was. He put everybody before himself.

We have been up and down a rough road with the children. We went to grief counselling as a family together, hoping that would help our

problems we were having at home. Nicole went and saw psychiatrists, school psychologist. The children just had such a rough time dealing with it. I try to do my best to give them the answers but they are maybe not always the right ones, but I do the best that I can.

Financially, being a firefighter, we never worried about him being laid off or anything so having three children really was not a concern financially for us. But when he was taken from us, I really felt it because our family went from five to four, but our expenses increased. Barry did a lot of work around the house. He fixed everything. We never had a carpenter in the house, a plumber, anybody. You could probably ask a lot of firefighters. He would try to work on the firetruck before they called anybody in to work on it because he loved to do that sort of thing.

Kids cost a lot of money, and, for me, it is not over yet, because my two youngest are still in school. Just last week, I thought, I have to think about their secondary education. They are young and they do not know what they want to do yet. My oldest son, Craig, is 21. He is still living at home now.

I know one of the things, when Barry was sick, it was about two weeks before he passed away and Alex had phoned me and he said, Gerry, I do not think you want to hear this, but anything that is covered with Blue Cross, if you need anything, you had better have it taken care of, because his Blue Cross was finished the day he died. As it was, I ended up wearing the same glasses for two years after that. Now it is dentists, you know, with the kids and that. I just hope that one of them does not get seriously sick.

Alex has told me recently they have got that so that it carries on for six months. That is a great thing. I am very proud to see that happen, because it gives you time after. I can go on and on for a long time. It is just really hard.

To me it is honouring our fallen firefighters. That is so important. Life is a bumpy road, it is a journey. We do not know where it is going to take us and sometimes we end up this way. I do know if our husbands were looking down on us

today, they would be very proud of what we are doing to honour their memory. They paid the ultimate sacrifice. We are proud of them and we are proud of all firefighters. I know I can say forever gone but forever remembered. This is what I have got from Colorado. They said their heroes never die. To me my husband will always be a hero.

In closing I would just like to read a poem that my daughter wrote. This expresses some of her feelings. She wrote quite a bit of poetry about her dad. That is how she expresses her feelings. She called it "Missing You."

So real, so near, I can almost hear his gentle whisper in my ear / Yet so far one day he was by my side / Now I could only wish I could hear his cry / I wish I could turn back time where the days were sunny and the nights were peaceful / Now I lay in the rain thinking of those happy days / Our future so bright till it took a turn for the worst on that cold spring night / It is so quiet without you by my side, all the decisions to make, all I can do is cry / Cancer, the killer.

Thank you.

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

Ms. Barrett: Thank you again for sharing some of the issues and concerns that face families after the father and the husband and the friend has gone and some of the issues that are going to be facing you in the future too. It is good to put the personal to these things. I would just like to conclude by saying to all three women that you obviously had wonderful husbands, wonderful fathers, very good relationships, marriages. You were saying that they would be proud of you. They would be. You are very, very strong women and you should, if I can use this word, celebrate that strength because that I know helped you and your families through these incredibly difficult times. It has been helpful to the whole issue, keeping that issue in front of us for over a decade and culminating in this tonight. Again, thank you very much, and congratulations to all of you. You deserve big support.

Mr. Derkach: Thank you for your presentation. Once again, just to build on and to echo what the

minister has said, I think we are all proud of the fact that you have come forward in this way and have expressed your feelings and what you have gone through.

Regardless of what we do here this evening, it can never replace what you have lost, but maybe, in some small measure, we can help you in the future and also help your children for a brighter future. That is really what this legislation is about. It is not only for the firefighters themselves, but indeed for their families, their children and their spouses. So hopefully, before the evening is over, we will have something in place that you can go back home with and say that the fight was worth it and that indeed you have, in some small measure, won. So thank you very much.

* (19:40)

Mr. Ashton: There was a word you used that I thought just summed it all up. We sometimes, I think, think that heroes are people we read about in books or existed only in history, and usually they are right in our midst.

When I think of what firefighters go through, summed up, I think, Bill Laird used to say this to me: Firefighters are rushing into a place everybody else is getting out of. They put their life on the line. You never know when it is going to happen, because it really is, every time I talk to a firefighter, you never know. When you are dealing with not only the hazard itself in trying to save people, but trying to keep safe yourself, and then, with this, I mean, this is the most insidious thing I can ever think of that, you know, this is not a collapsing building. This is something, day after day, week after week, month after month, that the firefighters deal with.

I just wanted to say that we should recognize the real heroes, in your husband and Nancy's husband, not just those of you who are here today, I think all three of you, but the others as well. I think we also have to remember too that we should be more concerned about those who are left behind because, if we are really to truly remember their contribution, it is through the memories, but I think it is through far more attention towards taking care of families and their real concerns.

I really appreciate everyone, all the comments you put on, because it always used to strike me, when I would sit down with family, just how much people felt sometimes that one day you are a hero and the next day nobody remembers except the family, but, you know what, I think people do remember. When we pass this, I hope, and I really hope that you can pass this on, I think all three, tonight, to your kids, because, you know, I have got kids. I have a 17- and 19-year-old. I can just only imagine, I mean, really, what they must have gone through and how they try and put it together in their own mind. I think, if you could sum up for tonight, this is an act that does certain things, but I think it really says they were heroes, every single one of them.

Mr. Gerrard: I would like to thank you for coming forward and sharing your story with us. I am sure it took a lot of courage. You and the other women and firefighters, I think, will be remembered for coming forward and telling the stories and helping to make this legislation a reality. Thank you.

Hon. Diane McGifford (Minister responsible for the Status of Women): I would like to join with all my colleagues, and particularly the minister, because, although I certainly do congratulate Mr. Forrest for the work he has done tonight, I just wanted to make a comment because I am the Minister responsible for the Status of Women, and I certainly have been impressed by the three strong women who have appeared tonight and who, by being here, are honouring and remembering their husbands and, in their way, celebrating the lives of their husbands. But I also wanted to make the point, and I know all my colleagues will share this, that the women who we have been hearing tonight, really are survivors struggling to create new lives for themselves and for their children, and doing a good job of it, it sounds. So congratulations on that.

I think you commented, Gerry, if I might, that your husband would be proud of you because of the struggle that you have engaged on his behalf. I would just like to suggest, and you probably already are doing this, but please be proud of yourself, because you are doing a great job. You said your husband is a hero, but you are

a hero, too, and so are the other two women who have been here tonight. So, thank you for your contributions.

Mr. Chairperson: Thank you, Ms. Schedler, for your presentation this evening. Mr. Laurendeau.

Mr. Laurendeau: Mr. Chair, I wonder if we might have leave to ask Mr. Forrest to come back just for one more question, just something that I need clarified.

Mr. Chairperson: Is there leave of the committee to request Mr. Forrest to return? Mr. Forrest, are you agreeable? Thank you, sir.

Mr. Laurendeau: Mr. Forrest, we do not mean to put you on the spot or anything, but you know we have had the discussion in the year 1985, as the one that was when the studies all occurred. That was the year we looked at when we were putting together our amendment for the presumptive clause, and it is a difficult situation.

I do not want to put you into a difficult situation, but you did mention that there were a couple of firefighters that contacted you back in '79 and '82. Do you have any other information? I know the reporting stage only started in 1985 when we started doing the diagnosing and the reporting. Do you have any other information going to any other years, any kind of information?

Mr. Forrest: Well, like in regard that I know where you are getting at in regard to, if you discuss retroactivity, how far do you go back? That is such a tremendously tough question, because the studies really came into play in the early 1990s. Like I said, it was a real watershed in regard to the studies in regards to conclusive link. It was undeniable evidence, but we as firefighters knew, like I remember talking to retired firefighters that knew people in the seventies and eighties.

As a matter of fact, one of the firefighters who was recently diagnosed with brain cancer, his captain had brain cancer when he was a rookie 27 years ago. So, in regards to the actual date, if it does go, if it does move back retroactively, no matter what date you give, it will be very difficult because we will have

firefighters that will contact us saying that they died of cancer as per a year before, two years before.

Even firefighters who have died in the seventies—I believe my secretary got, and I had a call the other day from a person who had passed away in 1969. It is an impossible thing. Firefighters knew—our brothers were dying in the seventies and sixties and we knew it was bad, but it was only in the nineties where we got the tremendous organizational skill to be able to move forward on studies that could. Part of the problem why there were not studies earlier, is because it is so hard to do studies.

You need extremely large numbers to make a statistically significant outcome of a study. That is why you get a study of all of northwest United States, all of California, southern California, all of New York, all of Toronto, from 1950 to 1989. That is part of the problem and I commend the committee taking it on in regard to retroactivity. I hope there is retroactivity. But, in regards to what time frame, it is impossible for myself to comment on a specific date, and that is going to be a very difficult decision for all of you. It is not like we are abandoning our firefighters that died in 1969 or '74, but there are issues that we always have to be careful of, like medical documentation. We have a firefighter who died, I believe, 15 years ago and his doctor had died. We are trying to get medical documentation. There is a real tremendous problem in doing that.

We believe that retroactivity is definitely possible. We believe that it is definitely possible to at least the early 1990s when the studies came forward because we have kept very good records, so we can get the medical evidence, but before that, I just really cannot comment on a specific. It really hurts me to say that, because no matter what date is set, I am going to have to tell a family of a firefighter that, you know, we cannot help you. It is just too far removed from the present. It is unfortunate it was not passed 20 years ago, but it was not.

We have to deal with the realities. I have to deal with the political realities. I have to deal with the medical realities. That is all I can say on

that issue. I wish I could say conclusively a year, but I cannot.

Mr. Chairperson: Thank you, Mr. Forrest. Any other questions? That concludes the list of presenters that I have before me this evening. Are there any other persons in attendance who wish to make a presentation? Seeing none, is it the will of the committee to proceed with a detailed clause-by-clause consideration of Bill 5? *[Agreed]*

* (19:50)

* * *

Mr. Chairperson: Does the minister responsible for Bill 5 have an opening statement?

Ms. Barrett: Yes, a very brief opening statement. Again, thanking the presenters who came here tonight providing us with a lot of the background that Alex Forrest provided us with and then the, I think, critical presentations from the three women here who are representing not only themselves and their husbands and their families but representing the families and widows of all the firefighters who have died in the line of duty, whether through traumatic incident at a fire scene or through occupational disease. Again I am very proud to have had an opportunity and grateful to have had an opportunity to hear and to listen and to share if only in a very brief way your stories. They are remarkable and very positive in a way.

I also want to thank the Opposition for supporting the principles of Bill 5 from its inception and acknowledging earlier this evening that they are prepared to pass this bill through what would be normally a fairly lengthy process, but it shows that when we all agree and when something is the right thing to do we can act in concert. So I appreciate that from the Opposition.

Mr. Chairperson: Thank you, Madam Minister. Does the critic from the Official Opposition have an opening statement?

Mr. Derkach: Very briefly, first of all, I would like to thank the presenters this evening for

presenting to the committee. I think this was very important for the committee. It certainly assures us that we indeed are moving in the right direction. I want to thank Mr. Alex Forrest and the United Fire Fighters of Winnipeg for the work that they have done with respect to this legislation. I can honestly say that I think the will is here to do the right thing.

As I indicated earlier, as we go clause by clause I will be bringing forward some amendments with the hope that Madam Minister, you and your committee members will support these amendments so that we can move forward together and have this legislation proclaimed and Royal Assent given to it as soon as possible for the benefit of all firefighters, especially those who perhaps await the passage of this legislation anxiously. To all of them, certainly our best wishes as they struggle with some of the work-related difficulties that come as a result of caring for others and caring for the communities that we live in. So thank you very much, Mr. Chair.

Mr. Chairperson: Thank you, Mr. Derkach. 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. We will proceed with the bill.

Clause 1—pass. Shall clause 2 pass?

Ms. Barrett: I have an amendment.

Mr. Chairperson: On clause 2?

Ms. Barrett: Yes. I move

THAT the proposed subsection 4(5.4), as set out in section 2 of the Bill, be amended by striking out "the day that subsection comes into force" and substituting "January 1, 1992".

Mr. Chairperson: The amendment is in order and has been moved by the honourable Ms. Barrett:

THAT the proposed subsection 4(5.4), as set out in section 2 of the Bill, be amended by striking out "the day that subsection comes into force" and substituting "January 1, 1992".

Ms. Barrett: Briefly to explain the amendment. It deals with the issue of retroactivity that has been raised, not only in the committee tonight but for quite some time with us. There are two basic major reasons why I am putting forward this amendment for January 1, 1992. First, and this was raised not only in the Guidotti report but as a result of a presentation and subsequent questioning of Mr. Forrest and his public comments. The vast majority of the scientific studies date from the early 1990s: 1992, 1993, 1994, 1995, 1996, 1998 and 2001. The bulk of the science that we are basing the presumption on is from the 1990s, starting from 1992 onwards.

Secondly, January 1, 1992, is when the last substantial amendments to The Workers Compensation Act were undertaken and took effect. This is when, and it was under the former government, the current occupational disease provisions, which we are discussing here in Bill 5, occupational disease provisions including dominant cause, were introduced. Bill 5 recognizes that full-time firefighting is the dominant cause of these five diseases. That is why we have chosen, No. 1, to recognize the issue of retroactivity and to bring in this amendment because of the science going back to the early 1990s and the fact that The Workers Compensation Act recognizes dominant cause as a rationale for benefits being introduced into the lexicon of The Workers Compensation Act.

Mr. Derkach: Mr. Chair, I would like to commend the minister for acknowledging that there was a need for an amendment. I am glad that she has brought forward an amendment, but I have to indicate very clearly that I do not believe this amendment goes back far enough because the studies also point to, and I believe that 1985 was a date where there had been reference made with respect to these types of cancers. I think that, if we go back to 1985, we will encompass most of the individuals and families, and I know that we can go back forever and a day. But, in terms of relying on the science and relying on the evidence that the science presumes, we can go back to 1985 and I think we would satisfy the bulk of the need that is out there right now.

So, Madam Minister, I, at this time, would like to move a subamendment to the amendment that has been brought forward. For clarification, I am bringing forward a subamendment to the amendment that the minister has brought forward. It is being distributed at the present time.

I would like to move

THAT the amendment to the proposed section 4 (5.4), which subsection is set out in section 2 of the Bill, be amended by striking out "1992" and substituting "1985".

Although I acknowledge the fact that this is probably not far enough back, at least we encompass in this legislation, I believe it is, 17 cases, if I am not mistaken, that this legislation should cover, and which are probably critical in ensuring that these families are dealt with in a respectable, forthright way which would acknowledge that they—*[interjection]*

Mr. Chairperson: I have to move the amendment into the record and then we will have the debate on the subamendment.

It has been moved by Mr. Derkach that the amendment to proposed subsection 4(5.4)—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The amendment is in order.

* (20:00)

Mr. Derkach: I do not want to repeat what I just said. Suffice it to say that I believe that, if we would all agree that 1985 is a date that we could go back to, then we would look after 17 families that I know, probably, are waiting anxiously to see this legislation cover their conditions. I would say that everyone of those 17 families, if they were here with us today, would tell us a very similar kind of story to what we have heard from the three individuals who stood before us today. I think they spared the committee, and spared us, by having only three representatives come forward, rather than all 17 of them.

So, with great respect to them, I think we would be doing the right thing by moving the date back to 1985, rather than the 1992 date.

Mr. Ashton: Mr. Chairperson, I cannot say how glad I am that we are actually debating now because I have had the opportunity to sit in this same committee room twice, discussing Workers Compensation bills twice—1989 when I moved an amendment, under different legislation, by the way, from the current one, went with the changes in 1992 and we then again raised this issue at the time.

I want to focus in on what we are really talking about here, because I think it is really important as we start from a very clear premise that, from this point on in, we know we have presumptive coverage. What that means, and what it means in the context of Manitoba legislation, if we are going to move back beyond this point and on a time further, at what point can you logically come up with any retroactive period?

Now presumptive legislation. What it really means is it establishes what firefighters have been saying for years. I think Alex talked about it before. It is not the first. This is something that people have been concerned about for quite some time. But it has been clearly established in legislation and, that is, there is a direct causality between sustained exposure and particular medical conditions, in this case, which have led to people dying.

Now what is critical also, by the way, with 1992—and I was the critic at the time, and I remember the discussion at the time—is the 1992 legislation, essentially, made it that much tougher for firefighters to establish causality. The minister referenced it and I do not want revisit history, but members of the committee might want to review what 1992 did—dominant cause.

I am not a lawyer, but I think anybody that knows anything about the law and tort law, will tell you that prior to workers comp, which basically eliminates tort, in a court of law you might have a reasonable chance in circumstances where there was a cause, not dominant cause, but a cause that was, in this case, occupational—

of establishing fault. The thin skull doctrine, basically put, very simply, is, if you do something to somebody even if they have a thin skull and they die as a result of that, it does not matter even if you just pushed them. In one episode, a barroom situation—in an occupational sense, I tell you, that becomes really critical, because what you are dealing with is the ability to prove, and prove without some of the great difficulties you go through.

So we have kind of lost that principle in tort. What 1992 did was further move it, and I know the Member for St. Norbert (Mr. Laurendeau) knows this because he has been, I think, raising the same concern for many years. So you end up with double jeopardy for people trying to establish this for the firefighters, for the widows, surviving families, because the burden of proof—the bar just got raised. It was not that you could not establish a claim. It was just that you had to now establish a much higher level of proof, dominant cause, and that is why there is a lot of logic with what the minister is proposing, not just for the evidence, but also the legislation that we are operating under.

The 1992 legislation provided a significantly different level of—by the way, what I also want to point out is the wording. I would suggest members talk to the firefighters in front of us. The wording in the current act is, actually in many ways, better than the regulation that was thrown out by Justice Lyon, I believe in 1988, 1989. I am trying to recall. I know we tried to reinstate it immediately in '88. I remember sitting in this Chamber, this very room, when we actually had support, when the minister, basically, was going to pull the bill, if we included that provision.

But I do not want to revisit history. What I want to do is establish that I think the reason the minister has brought in the 1992 research, it does reflect the medical evidence, but it reflects the significant change in the act that occurred in 1992, a very significant shift in the act, and what it does is, for those who are in the situation from 1992—let us not forget here it is a decade—this minister has now brought in an amendment that has extended us back a decade. They say you can not rewrite history, but, in this case, we can, at least, go back to the 1992 legislation which put

firefighters into this double jeopardy, and I think Alex Forrest talked about it earlier. You can debate back and forth how far you can go back in terms of trying to rewrite history. But this is logical because, prior to 1992, certainly prior to the court decision that Justice Sterling Lyon was involved with, you had a better chance. But, even prior to '92, you did as well; '92 was the double jeopardy.

So I think this is a fair and reasonable effort, and, quite frankly, we can debate the various years back and forth, but this has sound footing. I think that is important because I do not want to see this struck down in the future by a court or changed by a government. I want to make sure that firefighters, from this point on in, do not have to go through a decade-plus long fight, and MLAs too and others. I think there are a lot of people have been as a result of this, and this gives it sound footing.

The soundest footing is to not bring in any retroactivity, and we often hear this in bills back and forth where people have disagreements that we will hear of on other legislation. It is amazing we even have this consensus on this. But 1992, I believe, puts it on sound footing. It does not mean that others can not establish a case, but what it does is it matches the '92 changes to Workers Compensation Act, the medical evidence and the fact that, with this, people in that affected period will have presumptive cause which relates directly to what was established in '92, the dominant cause. There is a symmetry here, it is solid, and I think it is compassionate. I think it is fair. The terms of it, though, what it does is it goes back to the people who were caught.

By the way, I am not going to revisit the '92 Workers Compensation Act, but I say to people who were here and voted for it, and I did not, it is a lot easier for me to say this, but when you did it, what you did is you made it doubly difficult for firefighters. You made it doubly difficult because of the dominant cause provision. What presumptive does, there are people now who have been able to establish claims without this legislation. What it does, though, is it makes it easier, much less time consuming, much less wear and tear on the family, because we no longer debate whether it is a dominant cause or not.

So that is why I support the amendment by the minister, which goes back 10 years to the point in time in which we created the double difficulties. So I fully support the original amendment. I think it will put this legislation on very sound footing and we will get the people. Well, we will be getting into the votes in a few moments, but I just want to say that it will deal with, and I wish it would have happened a lot earlier, I tell you.

One thing now, and I sat here in the '92 debate, by the way, and it could have happened then, but what we will be doing by this is going back to that double wrong that was done in 1992 and will include significant number of people who are out there. I think it is the right thing to do.

Mr. Derkach: The minister of highways and transportation can be very passionate about what he says, and we have seen that happen. It just depends what side of the House he is on. I give him full marks for having taken the position in 1989 or 1992 with respect to this legislation. Two wrongs do not make a right.

* (20:10)

So, yes, perhaps we at that point in time were dealing with information that was not as accurate as it is today, perhaps for other reasons. I cannot revisit history and tell you what they were, but we are dealing with today. I say to all of us here today that we would be doing all of us collectively a favour by looking at cases that go back to 1985, because what are you or I going to tell that firefighter family that comes forward and says, well, my husband died in 1991? What would be the difference between 1991 and 1992? Now, we can say, well, that is the date that that regressive legislation came into effect, but it does not matter to that family. That firefighter still died of the same kind of disease that a firefighter in 1992 may have died from.

All we are doing is extending to 1985 who we can cover. We know 17 firefighters who have lost their lives as a result of their situations. Now, the minister may say, well, we do not know that for sure, and she could probably be right. There may be 18 that come forward, but from the work that has been done by the

firefighters, Mr. Alex Forrest, we can assume that there are approximately that number of individual families that would be affected.

So I am saying to all of us here today let us do the right thing at this committee and take it forward tomorrow. I am asking the Government to consider going back another seven years. You are not going to break the bank by going back seven years, but you are going to do the right thing for a majority of families who are suffering today as a result of having lost a loved one, the same stories that you could hear in front of this committee by 17 other families that are affected.

So I am saying to the minister of highways I will give him his due for bringing this forward and taking the position that he did. Sometimes we have to acknowledge that, in fact, things did not happen the correct way in history. That is history. Let us look at today. Let us do the right thing today. Let us make sure we move ahead in a positive way. I know that the Government has the majority on this committee and can defeat us, but I am appealing to your good sense. I am appealing to your compassion. I am appealing for the families that are out there and need the coverage for us to consider going back to 1985, as a committee, in a unanimous way.

Thank you, Mr. Chair.

Mr. Laurendeau: Madam Minister, I understand the position you are under. Mr. Forrest explained that all too well to us, how even he will have trouble explaining to his brothers and sisters who have died in the past on how we come up with a date. I mean, I would like it best if we did not have to have a date, but we all know that there has to be a date in this legislation. We know that, if you read the *Free Press* from May 2, Mr. Forrest was quoted there as stating: 17 Winnipeg firefighters have died of job-related cancer since 1987. That was what was stated, 1987: 17. That is right in the paper. He has said it a number of times.

We are saying that it should be presumptive, that these firefighters should be accepted under the act that we are doing today. We are asking, Madam Minister, for these 17 firefighters. We are not saying let us go back to 1950, 1960. We are saying we accept there has to be a date. We

are very close here. You are 1992; we are saying '85. We are not far off, but if it is two or three firefighters that we are not bringing into this bill, it is two too many; it is one too many. [interjection]

Yes, we should have, Madam Minister, and you can start throwing rocks if you want, but we are trying to correct some of the inequities of the past. You can say that we should have done it 10 years ago. There are lots of things that should have been done 10 years ago. You can get negative if you want. We are not throwing rocks at you.

We are saying 1992 is not quite far enough. We are saying let us go back to 1985, which will cover off at least the 17 firefighters that we know died of job-related cancers. We are not medical doctors and we should not have to put those 17 families through the paperwork, which the Minister of Transportation has brought forward. I mean, he was clear about that, that we should not have to put them through all that extra paperwork.

You said that in the House, that there was accessibility for these people, and we put them through too much. So why are we only going back to '92? Let us go back to '85. Let us include the 17 members of the firefighters. Yes, there are probably more in the past, and, Madam Minister, I am willing to accept the fact that there are some before 1985 that we cannot cover off. But the facts are there, that we should at least go back to 1985.

You know, Alex has already said tonight somebody from 1979 has phoned him and said that he had that job-related cancer. Well, I am sorry, we cannot go back that far. I mean, I would like it if we could go back to 1950, but we are hearing of cases here that people have died when they were 27 years old, 40 years old, 30 years old. What do you say to that poor widow who has lost her husband at 27 years of age, who has not had the opportunity to have this coverage? I do not want to be the one to tell her that you do not have that coverage.

Let us go back and at least cover these 17 members who have passed away since 1987. It is 1987 according to the paper, but let us go back

and cover these all the way to '85. There are only 17 of them.

Mr. Smith: Mr. Chair, just to put a few words on the record, I know Mr. Forrest was asked the question what year he felt would be proper to go back to, and I think we all heard the answer that Mr. Forrest gave. Regardless of what year you go back to, you are always going to have, as the member opposite mentions, more people.

Now, Mr. Forrest, in his presentation, in the written presentation that he gave us, said, in fact, '87. You have been using '85, but '87 is what I have seen in the paper, that he has used the words "over a dozen" in his presentation here. You are saying 17. I think if we went back to '84, '83, '82, the numbers would increase.

I know the Member for Russell (Mr. Derkach) had mentioned we are talking about today. That is exactly what we are doing here tonight is we are talking about today. I think, when you look at it, to go back retroactive to any year or any date is very difficult. I think scientifically the proof that has been provided, both by the efforts of folks like Mr. Forrest, folks who are in Manitoba and members of the International Association of Fire Fighters and their efforts, in the early nineties is when the information really became prevalent and scientifically based. You looked at the significant change in legislation in 1992 that took place. If we went back 10 years from '92, that would take us back to 1982 and, quite frankly, if that had been done then, it would have caught those extra people we are talking about here now. What year do you go back to and how do you establish that year?

Certainly, the folks who have died from cancer Mr. Forrest has mentioned in his article here to us and prior in the paper and over the years, some of the cancers that folks have died from are the five that we have included in this bill. Some of the cancers are others that are not identified. Those numbers grow as well. The amount of things you include, the amount of cancers you include, things that are proven scientifically, the presumptive legislation that is being drafted is based on science and based on fact and based on significant changes that happened since 1992.

* (20:20)

I have been following this very closely since 1980 when I was a firefighter and attended in the crowd out here at different times over the years. It certainly would have been nice to have taken it back to 1980, quite frankly, I always thought when I started looking at this issue. But 1992, as the minister has identified, has the significance of the significant change that happened in '92 in legislation. The dominant cause and difficulty to prove prior to that time because of the legislation prior and the scientific fact that has been presented since the early nineties, as Mr. Forrest has identified, and the difficulty he has regardless of what date is set, the difficulty, I think, we can all say that we will hear in our constituencies but he deals with on a daily basis, regardless of what year. I think 1992 is certainly going back a decade. It is the right thing to do. To go prior to that and put the onus on proof of information and prior legislation, I think, would be extremely difficult to do. I believe 1992 certainly has a lot of merit.

Ms. Barrett: I do not want to prolong the discussion any more than necessary, but I do think a couple of things need to be clarified. One is I ask Mr. Forrest's indulgence in saying Mr. Forrest. I do not think he meant—I will not put words in his mouth, but in our discussions with the firefighters and Mr. Forrest, the number 17 has come up. It was always clear to me in our discussions that the 17 firefighters, the firefighters association was not clear as to whether they were all caused by primary site brain, bladder, kidney, non-Hodgkin's lymphoma or leukemia. Those are the five very specific cancers and diseases that are listed in this presumptive legislation. Many of those, some, all, none of those 17 deaths are—the Opposition has been saying they would be covered. We do not know that. No one knows that for sure.

The second thing is that the thing that is different is that we have the science now. We have, finally, through the offices of the Workers Compensation Board and Doctor Guidotti, in one place a scientific literature review, if you will do, a scientific analysis of studies that go back to the early 1990s. That science does not just apply to those firefighters who would be covered from 1992 on.

That science is applicable to any firefighter or firefighter's family who would like to come and make an application to the Workers Compensation Board. If that firefighter's family covers all of the criteria that even those who are covered by the presumption must have—it is not just that you have the primary site cancers for the requisite amount of time, but you have to have been a full-time, active firefighter for the requisite amount of time which means that you were not sitting behind a desk for 20 years and an active firefighter for two. You have to fulfil all of the preconditions, even under the presumption. But, if any firefighter's family chooses to come forward and uses the science as a basis, the science that was not ever pulled together in one place before, then the Workers Compensation Board will look at that science and that individual's condition in making a determination.

So please let us not assume that because the presumption goes back to 1992, that a firefighter who died in 1991, 1990, 1989 back even to 1979 if it can be proved conclusively that the conditions were met; that firefighter will be covered, presumption or not, because the science is there now which was not found in one place before. That is why we are recommending 1992, because that is when the science started becoming very clear, and that is when the dominant cause was made part of the Workers Compensation Act. But no firefighter's family will be precluded from making an application and taking advantage of that scientific data that we now have before us.

Mr. Mervin Tweed (Turtle Mountain): Mr. Chairman, you know, we can sit here and take blame, pass blame, put blame on people and their affiliations. I, unfortunately, was not here 12 years ago, 10 years ago. As I look around the table, and I see several of us who were not here to fight for the fight or against the fight, so I accept no responsibility for what has happened in the past.

What I see here is an opportunity. The opportunity, and I say this, Mr. Chairman, to the minister through you, the record clearly indicates that the 17 firefighters have died of the diseases specified in the bill. It is clearly stated here. Seventeen firefighters have died of the diseases

specified in the bill since 1987. It is a quote by, I am quoting Mr. Forrest, and if you want to challenge his credibility, Ms. McGifford, I would ask you to do that. But I am saying the statement is clear, and why are we sitting here arguing about a date when we are talking about 17 families?

We have a chance here to make a decision and to enact legislation that resolves a lot of issues for a lot of families and we are arguing about a year or a day when we can look at a quote from the representative of the firefighters. If it is not 1985, let us go to '87 and cover these people today so that they do not have to go through this process again. But why are we arguing about it?

We all agree that this is the right thing to do for people. Yes, the past has its history, but none of us or a lot of us were not a part of that. I am saying we have an opportunity here to do the right thing, and I would ask the members of this committee to do that. Like I say, if we have to agree on '87, let us agree, but let us agree that that is the date that this has been mentioned. The diseases have been specified specifically to these deaths and not put these families through the grief that they all would have to go through again, even if we enact the legislation as it now stands. I just appeal to the committee to do the right thing, and set a date that satisfies these 17 specific complaints today.

Mr. Derkach: The presumptive clause, as I understand it, was there until 1988, if I am not mistaken, and, after 1988, the presumptive clause was taken out, and, therefore, it leaves in the lurch those people that, I guess, would be caught between 1988 and 1992 now.

So, if, in fact, the Government is having difficulty with going back to 1985, I would appeal to their common sense to at least look at either 1987, which there has been a reference made to by the representative of the firefighters' union; or, let us go back to 1988, if 1987 is too difficult to agree to.

But, ladies and gentlemen of this committee, I appeal to your good common sense and for the people who are going to be impacted by this legislation. Why would we leave three or four

families out in the cold, when we have an opportunity here, Madam Minister, to cover them and to cover their families? Now, we do not know whether there are three or four or five. But, Madam Minister, I am saying that because of the fact that the legislation was changed in 1988 to take off the presumptive clause, that we should go back to 1988, or 1987 at the very least.

Our proposal was 1985. If that is too difficult to digest, then let us pick a date where we can cover most of the people that are referenced to by the union here, by the firefighters' association.

Ms. Barrett: Yes, briefly, the science that has been done upon which Bill 5 was based is science available to any firefighter or his or her family. It does not preclude any firefighter, no matter when they contracted the disease, from making a case based on the science. The critical factor here is that we now have the scientific data. It is scientific data starting with the early 1990s, and it is a piece of legislation that was changed to include dominant cause in 1992. It makes all the sense in the world; and we are not disenfranchising a single family here.

An Honourable Member: Call the question.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Question has been called. The question before the committee is the subamendment moved by Mr. Derkach which reads as follows:

THAT the amendment as to proposed subsection 4(5.4), which subsection is set out in Section 2 of the bill, be amended by striking out "1992" and substituting "1985".

The subamendment is in order. Shall the subamendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

* (20:30)

Voice Vote

Mr. Chairperson: All those in favour, please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In the opinion of the Chair, the Nays have it.

Formal Vote

Mr. Laurendeau: Yeas and Nays.

Mr. Chairperson: A count-out vote has been requested.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.

Mr. Chairperson: The subamendment is accordingly defeated.

* * *

Mr. Chairperson: We are now back to the main amendment.

Some Honourable Members: Not quite yet.

Mr. Laurendeau: I move

THAT the amendment to proposed subsection 4(5.4), which subsection is set out in section 2 of the Bill, be amended by striking out "1992" and substituting "1988".

Mr. Chairperson: It has been moved by Mr. Laurendeau

THAT the amendment to proposed subsection 4(5.4), which subsection is set out in section 2 of the Bill, be amended by striking out "1992" and substituting "1988".

The amendment is in order.

Mr. Laurendeau: We are going to try one more time, Mr. Chair. Hopefully, the minister can understand. After having a conversation with Minister Ashton, I understand that the presumptive clause was taken out in 1988. So, if we can go back to 1988, this will bring back fairness. Thank you.

An Honourable Member: Question.

Mr. Chairperson: A question has been called. Is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: The question before the committee is the subamendment moved by Mr. Laurendeau which reads as follows:

THAT the amendment to proposed subsection 4(5.4), which subsection is set out in section 2 of the Bill, be amended by striking out "1992" and substituting "1988".

Shall the subamendment pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of the subamendment, please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In the opinion of the Chair, the Nays have it.

Formal Vote

Mr. Laurendeau: Count-out vote.

Mr. Chairperson: A count-out vote has been requested.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.

Mr. Chairperson: The subamendment is accordingly defeated.

* * *

Mr. Chairperson: The question before the committee is the amendment moved by the honourable Ms. Barrett, which reads as follows:

THAT the proposed subsection 4(5.4), as set out in section 2 of the Bill, be amended by striking out "the day that subsection comes into force" and substituting "January 1, 1992".

Shall the amendment pass?

Some Honourable Members: Pass.

An Honourable Member: No.

An Honourable Member: They can pass it.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please signify by saying yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

In my opinion, the amendment is accordingly passed.

Formal Vote

Ms. Barrett: I would like to request a count-out vote please.

Mr. Chairperson: A count-out vote has been requested.

Mr. Tweed: I believe that you have already acknowledged that the motion has passed.

Mr. Chairperson: Thank you, Mr. Tweed. I had indicated that the amendment had passed. This committee, by leave, can have a recorded vote. What is the will of the committee?

Some Honourable Members: Recorded vote.

Some Honourable Members: Leave.

An Honourable Member: We do not need one. It is already passed.

Mr. Chairperson: Leave has been denied. The amendment is accordingly passed.

* * *

Ms. Barrett: Mr. Chair, I have a further amendment to this section. I move

That section 2 of the Bill be amended by adding the following after the proposed subsection 4(5.4):

Research and part-time firefighters
4(5.5) The Board must

(a) conduct research to determine if the injuries referred to in subsection (5.1) are occupational diseases, the dominant cause of which is the employment as a casual or part-time member of a municipal fire brigade; and

(b) prepare a report on the status of the research and submit it to the minister no later than three years after the coming into force of this subsection, and the minister shall lay a copy of the report before the Assembly within 15 days after receiving it if the Assembly is sitting or, if it is not, within 15 days after the beginning of the next sitting.

Mr. Chairperson: The amendment is in order. It has been moved by the honourable Ms. Barrett

THAT Section 2 of the Bill—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense.

Ms. Barrett: As a brief explanation, Bill 5 recognizes the health risks faced by full-time firefighters. Part-time firefighters also face risks and they have asked why they are not also included in Bill 5.

I am pleased to tell the committee, through this amendment, that we are listening to these concerns. I would like to put this into context a

bit, and briefly explain how scientists look for the association between exposures and disease.

When scientists are looking for an association, they study the populations and groups who have the highest, most intense and regular exposure. That makes sense, because if an association is not found with the group with the most intense exposure, there is unlikely to be an association for anyone else. This explains why full-time urban firefighters are the best and most studied occupational group, and as Mr. Forrest referenced in his comments, there have been a number of studies done on enormously large cohorts, the entire northeast firefighters in the United States, and the decade-long, at least, Toronto firefighters.

However, there are currently no studies of part-time or volunteer firefighters. The Workers Compensation Board has researched this and could not find a single study that had been on volunteer or part-time firefighters. We know that volunteer and part-time firefighters' work is also hard and dangerous, but they have not been studied, and that is what led to Bill 5.

The studies that had been done that conclusively linked the amount of exposure and the duration of exposure to full-time urban firefighters with these five, very specific cancers. Those studies have not yet been done on part-time or volunteer firefighters. Before those studies had been done on full-time urban firefighters, there would have been no chance for a presumption, because it has to be based on science.

The amendment that I have just read into the record this evening seeks that basic scientific evidence for part-time and volunteer firefighters. The amendment will require the Workers Compensation Board to conduct research, which they have the capacity to do, to determine whether these five cancers, because we are talking about the five cancers for full-time firefighters, are occupational diseases of part-time municipal firefighters, and to report back to the Legislature within three years.

We are breaking new ground by asking the WCB to give this information. This is going to be new, original research that, according to the

investigation that has been done by the Workers Compensation Board, has never been done, certainly not in North America. The request for proposal to undertake this study will be at least Canada-wide because this is such new research.

* (20:40)

We know this study will take some time to organize and evaluate, so we are asking for a report on the status of the research in three years' time.

In this province, as well, one of the reasons why urban full-time firefighters have been studied successfully over the years is that the data is comparatively readily available. There are large numbers of firefighters working regular hours in fire halls and the data is there.

In this province, we know that, at present, there is no single database of volunteer firefighters with their addresses, never mind their social insurance numbers, or personal health information numbers, basic data that is needed for a study of this kind, so that you can take the numbers and study them through time, and say these individuals fought these many fires with this health outcome.

We will be asking the Office of the Fire Commissioner, which is under the Department of Labour and Immigration, to help compile this information on current and past volunteer firefighters. These individuals must be identified, found, their past medical records must be checked, and they must be followed to see if there are any associations with these five diseases.

The study will be challenging, but we believe it is important because we need to find this basic information now if we are going to be able to prove the presence or absence of a conclusive link between these five cancers and part-time volunteer firefighters.

Mr. Chair, I am pleased to bring forward this recommendation. This begins the parallel process that has been undertaken for full-time urban firefighters which is culminated in Bill 5, a first of its kind in Canada. We hope that this

study that will be begun to be undertaken here will, over time, be able to conclusively give us information on what linkages there are between the work of part-time volunteer firefighters and these five cancers that have been conclusively linked to full-time firefighters.

Finally, we think that the process that was undertaken for urban full-time firefighters leading to the presumptive legislation is critical to parallel with the volunteer part-time firefighters.

Mr. Derkach: Thank you, Mr. Chair. I am extremely disappointed at what the minister has just put on the record, and what she has brought forward. Indeed, she is trying to defend her position as a result of the recommendations that have been brought forward by this side of the House with respect to improving the legislation.

Instead of just admitting that in fact these proposed amendments would improve the bill and moving ahead with life, the minister tries to be cute by bringing in an amendment which, in essence, if you look at section (b) of her amendment, it says: "Prepare a report on the status of the research."

It does not say come back to us with recommendations in three years. It says "report on the status of the research."

So, Mr. Chair, I say to you and to this committee, that we are not moving very cooperatively in looking at positive amendments that would deal with volunteer and part-time firefighters in this province.

I do not know of any other situation where the Workers Compensation Board covers, and I might be corrected, covers full-time workers differently than it covers part-time workers. If there is that kind of legislation, I am not aware of it, or that kind of regulation with respect to Workers Compensation coverage.

I do not know why we are singling out, in this legislation, people who work on a full-time basis versus those who are exposed to the same kinds of toxins, the same kinds of dangers, probably in most instances, you know, on the same kind of regular frequency that you will have full-time firefighters facing, because the

volunteer firefighters are there on a full-time basis.

Somebody said that firefighters on a volunteer basis do not stay in the occupation that long. Well, I can tell you that some of the ones that I know have been there for 20 years plus and are still fighting fires today. So, through the course of the 20 years have certainly been exposed to toxins that regular firefighters are exposed to, and perhaps, in some instances, even greater because of the toxicity of some of the chemical spills and fires that we see on the highways in this province that volunteer firefighters have to attend to. I have been at some of those, and I would not want to get near them at all but firefighters because of their nature, whether they are urban or rural, or wherever they come from, do not have any fear of those and go in there with risk to their health.

We know that for sure. I say we could deal with this legislation now. I say we could cover, through an amendment, those who are exposed to these same kinds of toxins by an amendment that covers part-time firefighters. Mr. Chair, I do not know who that impacts in a negative way. Does it impact the full-time firefighters? Does it impact the Government? Does it impact the Workers Compensation Board who do have, I might say, a reserve?

I mean, if we are looking at investing money in such things as the arena, certainly we could be looking at doing what is right with the money that is put in place for people who might be injured in the workplace; and use that money for the purposes that it was intended for.

So, Mr. Chair, I do not accept the amendment of the minister as a response to what we have been pushing the minister for. I told the minister, when I met with her, that I would indeed be bringing in amendments. We said in second reading that we would be bringing in amendments that would cover the part-time, pardon me, the volunteer firefighters.

Let us look at the reality of this. In a small community, you cannot have full-time paid firefighters. Maybe we would like to. Maybe that would be preferred, but communities, small communities, cannot afford it. We cannot afford

to have shifts of firefighters working full time in small communities. The municipalities cannot afford it. The community itself cannot afford it. So we rely very heavily on that volunteer spirit that Manitoba is characterized for. We depend very heavily on volunteers in all walks of life. But this is almost an essential service. This is a service that we absolutely need in every single community across this province, whether it is Thompson or whether it is Neepawa, whether it is Winnipeg or whether it is a community in between.

But, ladies and gentlemen, the volunteer firefighters have been letting us know that they are being treated by this legislation, with the proposed legislation, as second-class citizens in our province. Yet the Minister of Transportation (Mr. Ashton) would have to acknowledge they are a pretty valuable part of this province in keeping our communities safe.

So, Mr. Chair, I am going to be bringing forward amendments that deal with part-time firefighters. Deal directly with them and ask the Government to consider covering them in the same way that full-time firefighters are covered, rather than going through an exercise of futility that is going to report in three years on its status.

Who knows? We have had the Toronto study. I do not know how long it has been out there for, but it has been out there for a number of years. It could very well be 10 years before we find that there is enough scientific evidence to bring forward any kind of coverage for part-time firefighters. But in the meantime there could be, and I hope there are not, there could be firefighters who lose their lives as a result of being exposed to the same kind of toxins that we are talking about in this bill.

* (20:50)

So I say to the members opposite, let us look more positively at what we can do, in a real sense, to show that there is good will from Government to extend coverage to volunteer firefighters across this province, and not make them feel as though they are not quite up to par, they are somewhat second-class and they are not quite as important perhaps as those that are covered in this legislation.

I do not mean to demean either the Government or anybody else who has come forward with this legislation. The minister does not need to get too excited about this; all I ask her to do is to look positively at the amendments that I have talked to her about that we would bring forward and include them in this bill. Thank you.

Mr. Ashton: That is a great speech. There is one problem with it, and that is the same member was part of a government for 11 years. They never once wanted to look at the scientific evidence. If we had been allowed in the 1990s, if we had had a motion, an amendment like this—

An Honourable Member: There was not any.

Mr. Ashton: Oh, the member says there was not any.

In 1992 when the Workers Comp bill was reviewed, if there was a clause like this in there, we would have, in 1995, dealt with the evidence that showed that full-time firefighters were included. There was clear evidence they would be included. I want to put on the record what was said in the Chamber, because I heard one member of the Opposition get up and say, well, you know, we had a big deficit in the 1980s with Workers Compensation.

You know what? We did not have an unfunded liability. We chose at the time; we said it was not going to come off the backs of—

An Honourable Member: Your Government was responsible for it.

Mr. Ashton: Absolutely, because we were not going to cut injured workers and their families to balance the books. We dealt with the challenge.

An Honourable Member: You did not.

Mr. Ashton: Well, that was interesting, because the other thing is the member has put on the record that every time the issue came up, the City of Winnipeg would phone up the government—we are talking about full-time firefighters here—and the government would do what? They would say, okay, we will not move on that.

You know the scientific evidence was never an issue. Not once in the 11 years was the scientific evidence ever given any consideration. This, by the way, puts in the legislation a clause that indicates clearly that not only this Government but this Legislature will be, in this case, conducting that research. This will now be public information.

So I say to the member opposite it is very easy after 11 years when you could have looked at the scientific observations, and you never did once. Then turn around with a government that is bringing in the bill and 10-year retroactivity, and saying to part-time firefighters, volunteer firefighters, that they will get consideration that was not given in the 1990s, that the research will be done.

It is important to recognize, by the way, because I think this is important to put on the record, that the clear evidence, the reason we have a presumptive clause for full-time firefighters is the sustained long-term exposure. It was scientifically documented. You may not have wanted to look at it in the 1990s, but this Government did. This minister did. I just say, before—

An Honourable Member: If he wants a fight, I will give him one.

Mr. Ashton: Well, then, I will tell you what I will put on the record is that, if we would have had this kind of a clause for full-time firefighters back in 1989, we would have had a report in 1992. If we would have had it when you amended the act, I say to members opposite, in 1992, we would have had this report in 1995. We would have been dealing with this legislation a long time ago.

I want to put on the record, quite frankly, that this, I think, is very significant. So long as there is a government that is willing to look at the evidence, and we have proven it by bringing in this legislation, then this will be considered.

I just say that, before members opposite lecture us, they may want to look in the mirror because, quite frankly, they talk about the firefighter. Up until 1999 there was not a government willing to look at the evidence. The

evidence was there. They did not want to look at it. Since 1999 we have had a government that has looked at the evidence, and I will tell you the work of the firefighters, the widows, the work that has been done over the years was finally listened to.

That evidence was there in '92, '93, '94, '95, '96, '97, '98 and '99. What changed is the willingness to listen. What this does is it puts into an act of the Legislature that that evidence will be assembled, the first time in Canada. So I say to the members opposite that we as a government have nothing to apologize for. I say, I wish they had brought in this amendment back in 1992 and '93 and '94, all the way through to '99. We cannot correct that part of the history, but we can make sure that, despite all the hollow words that I hear in terms of this, what we are going to see in this case—full-time firefighters are covered, and we will do the scientific work. We will not be the ostriches that buried our heads in the sand like happened in the—

Point of Order

Mr. Laurendeau: On a point of order.

Mr. Chairperson: Before I recognize you, Mr. Laurendeau, I would ask the indulgence of members of the committee to address their remarks to the Chair. I think it would help facilitate these proceedings somewhat.

Mr. Laurendeau: Before the honourable member starts calling us ostriches, Mr. Chairperson, let me remind members that this debate has been before the House for a long time.

The member is right. Some of us have been fighting on this issue since back in 1988, '89. I started the fight back when I was on City Council when I had to fight my own city councillors who were opposed to it back then. We fought it all the way back then. So do not call us ostriches.

I spoke in favour of this amendment. The minister might remember actually I spoke in favour of it at committee. I spoke in favour of it in the House when we had it as a private member's resolution. So do not call me an ostrich, when you start referring to members on

this side of the House, because I have never hidden on this issue. I have always been up front and straightforward, and said we should be supporting our firefighters. So be careful whom you point your finger at.

Mr. Chairperson: Mr. Ashton, on the same point of order.

Mr. Ashton: Well, on the same order, and I suspect it is not a point of order, but I can indicate I said on the record, in fact, I have said this to the member directly, that I know he was concerned about this. My references were to the fact that we had a government that had the opportunity, quite frankly, to look at the scientific evidence and did not.

Maybe I should continue this in my comments afterwards, but I want to indicate quite clearly that I feel very strongly that, if this kind of an amendment, the amendment I am speaking in favour of, had been place in the 1990s, if there had been a willingness of the ministers of Labour and the government just to look at the scientific evidence, we would not be sitting here tonight debating this bill. We would have seen back in '92, '93, when the evidence was there, the equivalent of this bill in legislation. So that was why I spoke out.

I believe in this strongly. I tell you maybe when you have sat here and you have been shut down when people did not even want to discuss scientific evidence, and you now sit here and you are bringing in a bill that is going to recognize full-time firefighters and establish a process that is going to look at part-time firefighters, we do not need the opposition critic lecturing us because, quite frankly, this would have helped in the 1990s. We cannot rewrite that part of history, but what we can do is make sure that the evidence is gathered in the future, and this is what this will do.

Mr. Chairperson: Thank you to members of the committee for their comments on the point of order. There is no point of order. I wish to remind honourable members here this evening that points of order are to refer to breaches of the rules and not to debate the issue further.

Mr. Chairperson: Mr. Ashton, to continue your comments.

Mr. Ashton: Well, thank you, Mr. Chairperson. The member opposite is making comments across the way, but I just want to say, by the way, that I take offence to him talking about volunteer firefighters being treated as second-class citizens. Do you know what? In the 1990s, they were not even on the agenda—firefighters full-time, part-time. We are at the point now we are bringing in the coverage for the full-time firefighters that should have happened a long time ago. I believe this is a very sincere effort on behalf of this minister and this Government to make sure that you can rewrite history up to a certain degree, but you can also learn from the mistakes.

The mistake of the 1990s was to take the word of the City of Winnipeg when they said, no, do not do it; it was to take the word of, you know, maybe the Workers Compensation, and I heard this in the debate, that it had an unfunded liability. I find that strange because city firefighters are covered by self-funding. It is self-funded through the City.

You know what we can do in this particular case, we can make sure we learn from the mistakes. The No. 1 mistake, and I will say this in as non-partisan way as I can, the number one mistake—[*interjection*] Well, no, but I will say this because, quite frankly, with all the lectures here, the way we can learn from history is to make sure that in this particular case we do for part-time firefighters what should have happened in the 1990s for full-time firefighters. Do the scientific studies, get the scientific evidence, and if the evidence is there, you bet that we should be looking at coverage.

By the way, I put this on the record in second reading as well, including in terms of full-time firefighters, there are other medical conditions which also need to be, and are being, looked at in terms of scientific evidence. So you can show you really learn, I think, from this, from getting outside of the lectures that, quite frankly, run quite hollow when for 11 years you had a chance to do something about it, when we have done something about it, and we are making sure that there is a process in place that is going to treat the part-time firefighters, quite

frankly, the way full-time firefighters should have been treated in the 1990s.

* (21:00)

Mr. Derkach: Well, I knew it was not going to be long before the Minister of Transportation and Government Services would get into his rhetoric on this bill. I knew he could not contain himself for the entire evening.

Mr. Chair, the issue here—and he brings back 1988 and 1989. Well, I want to remind him of the bit of history that he may not be so happy about, and that is the position that his government, and he was a member of that government, that left this province in an unprecedented hole, if you like, with a debt that every Manitoban is still paying for today.

Mr. Chair, in Workers Compensation, we had what he calls an unfunded liability, which was, in essence, a debt, where we could not do anything because his government had driven, not only this whole province, but, indeed, Workers Compensation funds into the hole so badly. They were the government who shredded papers so that evidence could not be found as to what happened to some of the issues and some of the money.

But, Mr. Chair, let me go further. I think the records speak for themselves. As a matter of fact, I think there was one Mr. Carl Laufer, who took a minister to court, and I think we paid \$2 million on behalf of that NDP minister because of what his actions were under that administration. So that is an example of how they administer their responsibilities.

So I do not need a lecture from this member about how we administered our responsibilities. We acknowledged at the beginning of this committee that two wrongs do not make a right.

All I am saying to the member is look at the volunteer firefighters in the same way. Yes, we can conduct the studies if we like, but I say deal with them today. Deal with them in a positive way that says we will extend the same coverage to volunteer firefighters as we will to full-time firefighters, and that is the amendment I will be bringing in.

The members, of course, will vote against it, and that is their prerogative. But let Manitobans know that, indeed, in 2002, this side of the House was in favour of extending the same coverage to volunteer firefighters as we did to full-time firefighters.

Mr. Chair, the minister can say what he wants, but it is on the record where we stand. Yes, he was on the record in '89 and '92, and I acknowledge that. I was not part of the committee at that point in time, but I am not saying that our government was not responsible for it. It was, and I am saying that two wrongs do not make a right. So let us do the right thing tonight and let us do the right thing in passing this bill and let us extend that coverage to, indeed, the part-time and volunteer firefighters in the entire province of Manitoba, not just in the urban centres in the province of Manitoba.

Mr. Chairperson: Before I recognize the next speaker, I would like to remind honourable members of the committee that we are debating the amendment as proposed by the honourable minister and that I would ask the indulgence of all committee members to keep our remarks more tightly to the amendment that is under consideration at this time. So I ask the members of the committee for your consideration of that.

Mr. Smith: Mr. Chair, thank you for identifying that with the committee that we are debating the amendment that has been brought forth in front of us, and information and comments that are relevant to that would be helpful to everyone.

The minister has brought forth an amendment, and, quite frankly, it identifies looking at science and basing our information on science, and pertinent information, so that we can make relevant decisions on. Certainly, myself and members on this side would fully agree with the member from Russell (Mr. Derkach) about the contribution that firefighters and response personnel in rural communities make to their community.

Many of the folks that are on the volunteer fire departments or part-time fire departments, or whatever the case may be, certainly have their own business, or they have a farm, or they have a full-time job in another area, and still dedicate

a great amount of their time to community service and to response within their communities. That point would be agreed upon by everyone sitting around this table, certainly the value that they bring to their communities.

I had the opportunity to work with many of the volunteer firefighters throughout the area in the mutual-aid district that was in and around Brandon, and out to a 60-mile radius, on a number of occasions, and certainly good folks in there.

There are the risks of the five cancers that have been identified in this bill. Certainly, on the cumulative effects of a full-time firefighter, and I asked Mr. Forrest to identify the hours, there are 42-hour workweeks over a long period of time and the exposures that they go to, and even the hazardous materials that they go to in their training, that they go to over and above a lot of the well-trained firefighters in the rural areas. There is a degree of activity there that is over and above in many urban centres. It is a 2-to-1 basis that this science is based on, that firefighters have a 2-to-1 chance, or better, of developing these diseases over a period of time, on the cumulative effect. Certainly, there is the synergistic effect of the number of not only fires that we spoke of a lot, but the chemicals that they deal with and the chemical spills that they deal with.

What the minister has put forth here is for the first time, and the first time that I am aware of, that Mr. Forrest is aware of, and many of the other professionals that we have asked, for information regarding part-time or volunteer firefighters, that there is identified, specific scientific proofs to identify that the hazards are almost double in full-time urban firefighters.

Now, the information that would be brought forth by a study such as this, or information that could be gathered, could as well, like this is, be based on scientific evidence. I am sure members opposite would want to be dealing not with possibilities or maybes, but basing it on this which is scientific proof. The members opposite, I am sure, would not want to haphazardly, as members mentioned before, not deal with something that could be very specific; they could be identified with, and for reasonings and good

reason for identifying. Who knows what the study will prove? But it has not been done. We do not have the information, and, quite frankly, it would not be in anybody's benefit to do it without having the pertinent information. These professional firefighters took a number of years, well into the nineties, that I know members opposite had asked for on a number of occasions. Certainly, that had been done; it had taken a considerable amount of time.

I think the minister's amendment is a positive one. It is a good one. It is a step in the right direction. It targets, basing it on scientific proof, as has the rest of this legislation. To mention, or to say, by members opposite that we do not identify the value of folks that are in the community, and do not identify the professionalism and the nature of the firefighters in the communities, is simply a misstatement. I would like to correct that and make it perfectly clear that obviously all members on this side do identify the folks in the community as being incredible assets, being well trained, in some cases seasoned, seasoned responders to emergencies. That information could be gathered and will be gathered, and this is a step in the right direction for identifying that, and a positive one.

So, with those few comments, Mr. Chair, I would just like to conclude with that.

* (21:10)

Mr. Tweed: Mr. Chairman, I want to put some comments on the record, and then I think I might have a question for the minister.

I think our volunteers are feeling left out of this process. I think they feel that they are encountering and enduring the same situations and that they are being disqualified because they are volunteers, or because they are part-time. There have been articles recently written in southwest Manitoba, and I think it is important that it be put on the record. I am going to read some of them. Volunteer firefighters say they are being denied compensation benefits planned for full-time firefighters, even though they face many of the same risks at events like the recent Firdale truck-train crash.

There is no reason that they should not be compensated, said Dave Thiessen, deputy chief of the Gladstone Fire Department.

Barry MacDonald, who works out of MacGregor as a volunteer firefighter, states: After this weekend, I would certainly say it should, said MacDonald, referring to the compensation. It was a carcinogenic explosion there with the benzene. And his question is: Who the heck knows with some of this stuff that is going up and down the roads? I mean, what can happen?

Thiessen comments that he spent 30 hours over two days fighting last week's toxic chemical fire at Firdale. He said he was angered by the decision to exclude volunteer firefighters. So they are not happy and we are hearing from them, and I am sure that the minister is hearing from them.

On a volunteer basis you answer every call you get. These people are on call in our communities 24 hours a day, 365 days of the year. So, of course, they are upset. They feel like they are contributing and putting in the time, the training and the effort, and they are being excluded.

MacDonald said, if some liquid or chemical was to cause a cancer, I would be looking for compensation.

The fire chief in Neepawa states that it is a classic example of the risks taken by rural firefighters. He says: In a case like this, the air that I was exposed to and the conditions I was exposed to were no different than if I were a member of the Neepawa fire department or if I were a City of Winnipeg firefighter.

An article in the *Brandon Sun*: In rural areas of Manitoba we put our lives in the hands of these volunteers. Dave Thiessen, again, is quoted: Thirty hours. Just look at what cars are made of, he says. Every time you go out to a car fire, there are more and more toxic fumes coming out.

The question that is asked is that the assumption is that exposure to toxic chemicals and fires make these workers more vulnerable, and we have all agreed to that tonight. We have agreed with that with the first comments that we made in the passing of the first part of the bill.

Why are we excluding the volunteers that put in the time and the effort from this

legislation? Why are they being left out of the picture?

Now another example is, and the article goes on and says: Exposure is exposure when it comes to dioxins, furans and other toxins. Carcinogens do not pick and choose based on the job status.

I guess what I would like to say, I have an article here, a letter that was written by a volunteer fire chief from one of my communities. He says: I am writing with deep concern and frustration about the recent amendment to the Workers Compensation Act, Bill 5. The change will automatically compensate full-time firefighters who develop certain types of cancer on the job. We have agreed to that. Volunteer firefighters are on call 24 hours a day and answer every call, not just calls on a 12-hour shift. Therefore, they are exposed to every chemical spill, fire, et cetera, in the area and surrounding areas if called upon.

The three recent disasters in rural Manitoba in the last two months show how this type of danger is becoming more common. Exposure to these chemicals, even on a short, one-time basis can result in long-term harm. Therefore, volunteers should be covered for those risks the same as the full-time firefighters. He states: To put the onus on the volunteers to prove they contracted a disease is discrimination at its worst. That is by Mike Bellew.

The question I have, and Mr. Smith alluded to it. He is a former firefighter, worked side by side with these volunteers, recognized the quality and the capabilities of these people. If one of them gets sick on a fire line or feels that they have gotten in some sort of an illness or a result of being at that fire, and we are saying to one person, because you are a full-time firefighter, you do not have to prove anything. We will presume that you have got this. But, oh, excuse me, Mr. Volunteer Firefighter, you have to go through this process. You have to go through all these hoops. You have to go through all this dance to prove that you were at the same fire with this guy, and that because you were only a part-time or volunteer firefighter, you have to be dealt with under a different process.

I just do not understand that when we are talking about trying to do what is right for firefighters. We had a great presentation by families who have undergone and experienced a difficulty of losing a personal friend, loved one, family member. I do not know. I guess I am beyond it, but I am just wondering why we are niggling over all these little issues like this when it is clear that these people put in a huge amount of time, a huge amount of effort and are exposed to the exact same dangers.

I do not know. I could be wrong. But, if a miner works in a mine and he is full-time and he has certain coverages, and I presume that, if another miner works there 0.75, he gets the same types of coverages, maybe not to the same level based on the 0.75.

An Honourable Member: There is no presumption for anyone—

Mr. Tweed: Do you know what? I am not talking about presumption. I am talking about access to the system to say to you: If it covers this person, why would it not cover the person standing beside you if he works only 0.5 or 0.75? I do not think there is legislation that says that, and that is what we are saying about our volunteer firefighters, and, particularly, those in rural Manitoba. They should be covered by this legislation.

We have done the backgrounds on this, too. I am not sure I can see where there is a huge cost to anybody, other than the fact that it gives the people who are sending their families, their family members, out at the end of the night or in the middle of the night to God knows what. We are saying to you that we respect what you do, what you have done, the job, the training, the effort, the community commitment that you make.

We are prepared on this side. Regardless of the political rhetoric that has gone back and forth, we are on the same side on this issue. Let us not talk about 10 years or 15 years ago, because this is not going to resolve the issue for these people today. We are going to resolve it by agreeing that they do the same job, in a lot of cases as difficult and, probably, in some cases more difficult. We are saying because they stand

side by side with each other, because one is a full-time firefighter, he has a benefit that the guy beside him does not have.

I am not trying to pick a fight. I am just trying to ask where is the reason in that. Where is the reason in the guy in a rail yard doing the same job as the guy beside him and being treated differently because he has a different title or a different acronym beside his name? I just do not think that is right, and I do not think our caucus thinks it is right. I just ask this committee to consider that. I think it is important that we do that and I think it sends a message.

We have debates in the House of the Legislature and we talk about how hard it is in rural communities—and mostly rural because it is volunteer-based—to attract volunteers. I mean, firefighting commissions in different towns have gone out of business, as to say, for a short period of time till we rally the troops and get them lined up again to get back in and open up our fire department and become volunteers. Our ambulance drivers, we go through the same process. This is one small minute piece of legislation that will recognize the value of what they give to our communities.

We said earlier we are prepared to pass it and get this thing done for these people, but I think that there is a sense of fairness which both sides have talked about in the past. We are saying, if we can, let us make it fair today and not have to go through this process. You can talk about scientific proof and you can talk about anything you want, but if a man and a man, or a man and a woman, or a woman and a woman, are standing side by side doing the same job, we should not discriminate against one or the other because of whether they are full-time or a volunteer.

Mr. Harold Gilleshammer (Minnedosa): I have read many of the same articles in the *Brandon Sun* that the Member for Turtle Mountain has just spoken to, and the editorial in the *Brandon Sun* which supports many of the arguments that are going on here today. So I will leave that aside.

But I just wanted to say the fire chief from the Minnedosa fire department sought me out

last Friday to make many of the same points and indicated that, in the last year, they have been to many, many fires where chemicals were involved. There have been chemical spills that they had been trained to deal with. Last year, at Ken Cane Aerial Spray Limited, their entire warehouse caught on fire and was dealt with by the Minnedosa fire brigade with the mutual aid and expertise from the Fire Commissioner's Office. They were at Brookdale recently when the pipeline blew up and had to deal with that scenario, and three of them were at Firdale, with the collision between the tanker truck and the train. He made the argument, I think, very strongly and very clearly that these volunteers do not refuse to go. They go when they are called. They have dealt with many of the same situations that the professional firefighters do. I have heard many times tonight that the science is in place to make these decisions, and I would venture to say that science would also be applicable to the part-time volunteer firefighters. I would urge the minister to give strong consideration to incorporating the volunteer fire brigades within this legislation.

* (21:20)

Ms. Barrett: I would just like to comment, I hope, without heating up the dialogue but just to rebut what I believe are some inaccuracies that have been put on the record by members of the Opposition.

I think we need to look at the context of this issue here. There is no other profession in Canada that is considered to have a presumption for any part of its job except for, as soon as Bill 5 passes, the full-time urban firefighters in Manitoba. The presumption is not for all cancers or occupational diseases. The reason it is not for all cancers and occupational diseases, and firefighters have argued for a broader inclusion, but the reason we have narrowed it down to these five cancers with particular time periods associated with them—we have not; the science has—is because the science has shown the correlation and the linkage.

What we are saying with this amendment is that, in order to make a good based-on-science decision about coverage for volunteer part-time firefighters, presumptive coverage for volunteer

part-time firefighters, we must do some scientific analysis. The Member for Russell, in his comments on the second reading, said, and I am quoting here: Whether it is a spill, a toxic spill, whether it is a fire in a chemical shed, a house fire, indeed, an industrial fire, they—referring to part-time volunteer firefighters—are exposed to the same kinds of dangers, maybe not as consistently because full-time firefighters do that as a part of their regular work on a day-to-day basis, that is what the science says, agreeing with there is a quantitative difference here between the number of fires that a volunteer firefighter faces in his or her volunteer career and the number of fires that a full-time firefighter faces in his career.

If a volunteer firefighter can come to the Workers Compensation Board and say I have a primary site brain cancer and can prove that he or she has worked the same kind of hours that a full-time firefighter does—the reason that they have to prove it is this is the only presumptive legislation in North America, well, certainly the only presumptive legislation in Canada, because it is based on the science. The science has not been done for volunteer firefighters. The firefighters that will be covered under Bill 5, I am referring to a comment made by the Member for Turtle Mountain (Mr. Tweed), those firefighters that will be covered under the presumptive clause under Bill 5 are not automatically compensated. They will have to show as well that they had No. 1, a primary site cancer, one of these five, that they had worked the requisite number of years and that they had worked and had attended the number of fires that is concomitant with full-time firefighting. That is to say if it is a cancer that requires 20 years of full-time firefighting, they have to be 20 years on the frontlines, not 18 years on the frontlines and 2 years in administration or 15 and 5.

So it is not an automatic coverage. I think this is something that has to be very clearly stated. On the other side, no worker is presumed not to have the right to make a claim before Workers Compensation. That is the other side of it. We are not saying that volunteer part-time firefighters cannot make a claim. Of course they can. They can use the science, but they have to be able to prove the same kind of exposure and intensity as full-time fighters do because that is

the only science we have. It is linked. The science is the trigger here for the presumption. Without the science you cannot have the presumption. It is a synergy.

We respect the work that volunteer firefighters do absolutely, and we say that yes, they are in danger in fires that they fight, in Firdale and in the Brookdale gas explosion, in other instances. We are not saying they do not have every right to make an application. But many other workers work in dangerous situations, and they are not covered by the presumption because the science is not there. What we are doing with this amendment is actually recognizing, considering taking into account the potential coverage for part-time volunteer firefighters. Full-time firefighters did not get presumptive coverage in legislation until the science was there.

It would be wrong of us to presume a link without scientific evidence to back that up. That is the whole basis of the presumptive concept. There must be the science to back it up. That is why lung cancer, heart disease, colon cancer, all other kinds of cancers and occupational diseases currently are not covered for full-time firefighters because the science is not there yet. It does not mean it will not be. It does not mean studies cannot be done, should not be done and will not be done.

What we are saying with this amendment is we are committed to starting that process with volunteer firefighters. In the meantime, they have no less coverage, no less rights, no less respect from this Government and this Province than any other worker in this province, and it is very unfair to say that they do.

Mr. Derkach: The minister is wrong. She does presume that indeed there is a difference between the volunteers and the full time, so let her not say that they have as much respect, because they do not from her point of view. She is proving it by the legislation. Mr. Chair, for that reason we put in the amendment to ensure that volunteers were covered.

I want to correct her about one other thing and that is that yes, in a community like Binscarth, for example, where you have perhaps

a very tiny community, those firefighters will not necessarily be exposed as often to the same toxins as a full-time fighter is. But we have communities that are large, like the Killarneys, like the Neepawas, like the Minnedosas, that are fairly large in size but, secondly, rely very heavily on a volunteer fire department, few in number but go out to every fire, whether it is the fire in Brookdale or whether it is a house fire or whether it is an industrial fire or whether it is a collision on the highway or whether it is a spill by a tanker on the highway and are probably exposed as much as full-time firefighters are.

Mr. Chair, there is one other thing. The minister does not have to bring her amendment into legislation. This is a policy decision of the Government. If you want to do a study to determine whether in fact part-time firefighters are exposed, you can do that by simple policy, instructing your department to carry out that research. You do not have to bring it into legislation. I think we see through this. The veneer is fairly clear here, because what the minister is doing here is attempting to avoid having to include the part-time firefighters in this legislation.

Mr. Chair, I think enough has been said on this, and I think the minister would probably want to vote on this amendment. I have another amendment that I want to bring in immediately after.

* (21:30)

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: The question has been called. The question before the committee is the amendment ruled by the honourable Ms. Barrett which reads as follows:

An Honourable Member: Dispense.

Mr. Chairperson: Dispense.

THAT section 2 of the Bill be amended by adding the following after the proposed subsection 4(5.4):

Research on part-time firefighters

4(5.5) The board must

(a) conduct research to determine if the injuries referred to in subsection (5.1) are occupational diseases, the dominant cause of which is the employment as a casual or part-time member of a municipal fire brigade; and

(b) prepare a report on the status of the research and submit it to the minister no later than three years after the coming into force of this subsection, and the minister shall lay a copy of the report before the Assembly within 15 days after receiving it if the Assembly is sitting or, if it is not, within 15 days after the beginning of the next sitting.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Pass.

Mr. Chairperson: The amendment is accordingly passed.

Mr. Derkach: Mr. Chair, I have an amendment to section 2, 4(5.1), and may I proceed?

Mr. Chairperson: The amendment is in order.

Mr. Derkach: I move, Mr. Chair,

THAT the proposed subsection 4(5.1), as set out in section 2 of the Bill, be amended by adding ", including a casual emergency worker to whom clause 1(4)(a) applies," after "worker".

Mr. Chairperson: It has been moved by Mr. Derkach

THAT the proposed subsection 4(5.1), as set out in section 2 of the Bill, be amended by adding ", including a casual emergency worker to whom clause 1(4)(a) applies," after "worker".

The amendment is in order.

Mr. Derkach: Well, Mr. Chair, I think it is obvious why we are bringing in this amendment. I do not think we need to spend a lot of time elaborating on it. I think the minister and I have discussed this in the past. I think she understands what our position is on this particular amendment. To expedite things, I am prepared to

let it go to a vote without offering a great deal of comment on it.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: The question before the committee is the amendment moved by Mr. Derkach which reads as follows—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense.

Shall the amendment pass?

An Honourable Member: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say yea.

An Honourable Member: Yea.

Mr. Chairperson: All those opposed, please say nay.

An Honourable Member: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

Formal Vote

Mr. Laurendeau: A recorded vote.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.

Mr. Chairperson: The amendment is accordingly defeated.

* * *

Mr. Derkach: Mr. Chair, I have another amendment. I move

THAT the proposed subsection 4(5.2), as set out in section 2 of the Bill, be replaced with the following:

Application

4(5.2) The presumption in subsection (5.1) applies to a worker, including a casual emergency worker to whom clause 1(4)(a) applies, who has been regularly exposed to the hazards of a fire scene other than a forest-fire scene.

Mr. Chairperson: It has been moved by Mr. Derkach

THAT the proposed subsection 4(5.2), as set out in section 2 of the Bill, replaced with—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The motion is in order.

Mr. Derkach: Once again, I think the minister and I have spoken about this as well. I think she understands where we are coming from with respect to this amendment.

Mr. Chair, all we are trying to do is ensure that we treat all firefighters in a respectable way and that they all have application to the same kind of process that is being contemplated in this legislation.

Ms. Barrett: So this amendment and the amendment prior deal with volunteer, part-time firefighters.

Mr. Chairperson: Is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: The question has been called. The question before the committee is the amendment moved by Mr. Derkach

THAT the proposed subsection—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

Formal Vote

Mr. Laurendeau: Recorded vote, please.

Mr. Chairperson: A recorded vote has been requested. The Clerk will take the count please.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.

Mr. Chairperson: The amendment is accordingly defeated.

* * *

Mr. Derkach: Mr. Chair, I would move

THAT the proposed subsection 4(5.3), as set out in section 2 of the Bill, be struck out.

Mr. Chairperson: It has been moved by Mr. Derkach

THAT the proposed subsection 4(5.3), as set out in section 2 of the Bill, be struck out.

The amendment is in order.

Mr. Derkach: I do not think I need to elaborate on this section either. So, in the essence of saving some time, I would simply move this amendment and hope we can proceed posthaste.

Ms. Barrett: My reading of the amendment says, in effect, by striking out the regulation-

making authority of the Government, you have then said there will be no times, no periods of occupational exposure.

An Honourable Member: You are looking at the wrong clause.

Ms. Barrett: Sorry, 4(5.3).

An Honourable Member: Maybe you should explain this one.

Ms. Barrett: Yes. Again, if I may, I am not trying to be difficult here, but if you take the whole clause out you remove all the regulation-making authority. The bill does not talk about—*[interjection]* Yes, it does not talk about the latency periods. What this section is designed to do is to say that in the regulations it says for five years for a certain cancer, ten years for another cancer.

Mr. Laurendeau: Mr. Chair, I guess this one would be required if the previous one had passed. Seeing as the previous one had failed, we do not need this one.

* (21:40)

An Honourable Member: Yes, but we need to bring it into the House, if we are going to—

Mr. Laurendeau: Yes, we can bring it in the House without bringing it here.

Ms. Barrett: Whether we cover only full-time firefighters or volunteer part-time firefighters, the legislation only talks about which categories. It does not talk about the length of time you have to be in an occupation. The regulation will set out the minimum periods of employment for each disease.

I want to be clear. Your previous amendments have said, basically, in effect, your previous amendments say add part-time volunteer firefighters. Is that accurate? That the previous amendments are an expansion of the coverage to volunteer part-time firefighters, but the legislation itself does not say what the minimum period of employment will be. So if you take this out, what you are saying is if you are a volunteer part-time or full-time firefighter

and you contract non-Hodgkin's lymphoma, whether you have been a full-time, part-time or volunteer firefighter for six months or twenty years, you are covered. What you are saying is that you do not want any minimum period of employment for any disease.

Mr. Derkach: Mr. Chair, as it applies to the casual emergency worker, the volunteer firefighter, what we are indicating in our previous amendment is that the application of time be not considered or not applied to in those situations for them.

Ms. Barrett: Just for clarification, what you are saying is that for full-time urban firefighters, where there is science, they would be covered. They would have the minimum periods of employment, but part-time volunteer firefighters would not have any minimum. So you are taking out any minimum period of employment. If you have been employed for six months as a firefighter, full time, part time, volunteer, and you contract non-Hodgkin's lymphoma, which has a latency period of 10 or 15 years, and you have been a firefighter for six months, you would still be covered under the presumptive legislation. Is that what you are saying by this amendment?

Mr. Derkach: Mr. Chair, if you look at the amendment that was defeated in 4(5.2), and I will read it again: "The presumption in subsection (5.1) applies to a worker, including a casual emergency worker to whom clause 1(4)(a) applies, who has been regularly exposed to the hazards of a fire scene other than a forest-fire."

Mr. Ashton: Mr. Chairperson, I suggest this is a good example of how not to make legislation. We have to recognize how significant this bill is, how significant the presumptive clause is. Number one, the reason I asked the question

about the situation of the jurisdictions is because this is groundbreaking. It is based on scientific evidence, and the scientific evidence is based on cumulative impact. To my mind, by playing around with these kinds of clauses, which are central to the bill, which are central to the scientific evidence, I think we would be doing a disservice, quite frankly, to those who fought very hard to get it this far. I would say, because if there is any opportunity down the line to establish further occupational health issues, conditions, this would destroy it. The message here is, if you prove the science, you can then establish it. I would urge the members to withdraw this. This would be very destructive if it was passed with the whole bill.

Mr. Derkach: Mr. Chair, if the amendment that I brought forward is defeated, then this has no application. I do not think we would want to bring this amendment in and have it passed without 4(5.2). I think that the Minister of Transportation is right in reflecting on it in that regard. But I think that, if we were to have any success with 4(5.2), we may want to consider that as a possible amendment. I think we could do that by seeking leave if, in fact, 4(5.2) were accepted.

Mr. Chairperson: Is there leave of the committee to withdraw this amendment?
[Agreed]

Clause 2 as amended—pass; clause 3—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to members of the committee.

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 9:46 p.m.