

Fifth Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Human Resources

Chairperson
Mr. Doug Martindale
Constituency of Burrows

Vol. LVIII No. 1 – 4 p.m., Thursday, April 19, 2007

ISSN 1708-6655

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
CUMMINGS, Glen	Ste. Rose	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.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PENNER, Jack	Emerson	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SALE, Tim	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.
VACANT	Kirkfield Park	

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON HUMAN RESOURCES

Thursday, April 19, 2007

TIME – 4 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Doug Martindale (Burrows)

VICE-CHAIRPERSON – Ms. Bonnie Korzeniowski (St. James)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Ms. Allan, Hon. Mr. Lemieux

Messrs. Altemeyer, Dewar, Mrs. Driedger, Ms. Korzeniowski, Messrs. Martindale, Penner, Reimer, Schuler, Swan

APPEARING:

Mr. Kevin Lamoureux, MLA for Inkster

MATTERS UNDER CONSIDERATION:

Bill 17, The Employment Standards Code Amendment Act (Leave for Reservists)

* * *

Mr. Chairperson: Ladies and gentlemen, the Standing Committee on Human Resources will please come to order.

This meeting has been called to consider Bill 17, The Employment Standards Code Amendment Act (Leave for Reservists).

Our first item of business is the election of a vice-chairperson. Are there any nominations?

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

Mr. Chairperson: Ms. Korzeniowski has been nominated. Are there any further nominations? Seeing none, I declare Ms. Korzeniowski elected vice-chairperson.

There are no registered presenters for this bill. Are there any persons in attendance who wish to make a presentation? Seeing none, we'll proceed with clause-by-clause consideration of the bill.

How late does the committee wish to sit this afternoon?

An Honourable Member: Till it's done.

Mr. Chairperson: Is there agreement that we sit until we've finished? *[Agreed]*

**Bill 17–The Employment Standards Code
Amendment Act (Leave for Reservists)**

Mr. Chairperson: Bill 17, does the honourable minister sponsoring the bill have an opening statement?

Hon. Nancy Allan (Minister of Labour and Immigration): Yes, I do. I would just like to say that this bill amends the Employment Standards Code, and it provides unpaid leave and job protection for reservists. It gives them the right to participate in training and active duty in the reserves, and we have seen that there is a reliance more and more on reservists in offshore duty.

We believe that this legislation is necessary because we should be levelling the playing field. We believe that lots of employers in this province treat people who want to go into the reserves fairly, but we have anecdotal evidence that there were some situations where that wasn't happening. We also believe that people should be encouraged to go into the reserves, and this kind of protection will be there for them. It will increase the number of individuals that will be able to go into the reserves.

So I am very, very pleased that the LMRC gave the government consensus recommendations. That is what is contained in this legislation, and I am very pleased that we were able to move this bill to committee today.

Mr. Chairperson: We thank the minister.

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

Mr. Ron Schuler (Springfield): Yes, I just want to put a few comments on the record. With Canada being called upon to participate more on the world's stage with our armed forces, we know that resources are strained. Thus, reserves are being called up much more frequently than in the past. I believe that this piece of legislation sends a very positive message to those who wish to serve that they get a leave of

absence. When they come back, their job is protected.

We also know that, although the armed forces are federal government jurisdiction, the federal government can only pass legislation dealing with federal employees. That's why the provinces are going to have to pass these laws one by one. We know that two other provinces are working on it. Thus, we are pleased to see that Manitoba is joining those ranks. It does send a very positive message to those men and women who feel it within themselves that they should go and defend our country, our Constitution, our democracy and, in fact, our way of life. We thank them and commend them for that and, in our little part, can make it a lot more easy of a decision by passing this legislation.

Mr. Chairperson: We thank the critic. 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.

Shall clauses 1 and 2 pass?

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Chairperson, I did have a question I was hoping to get answered at second reading, but the minister suggested it might be more appropriate for committee. The question was in regard to someone that goes to Afghanistan, let's say from the reserves, and, if they get injured to the degree in which they might not be able to go back to the same type of work that they were doing prior, does this legislation do anything for them?

Ms. Allan: This particular piece of legislation does not cover that. That would, though, however, be covered by The Human Rights Act. Human rights would require employers to do their best to accommodate the disability. That could include more time off, perhaps modifying the workplace or modifying the job, but they would be protected under human rights legislation.

Mr. Lamoureux: Was any consideration given by the government how this legislation could, in fact, protect the rights of those injured workers?

Ms. Allan: I think I already answered that.

An Honourable Member: Aren't they covered off by the federal government?

Mr. Chairperson: Mr. Schuler, would you like to ask a question? No?

Mr. Lamoureux: Maybe, then, if the minister could be a little bit more precise in her answer. The question was: Did the government give any consideration to meeting the need if there is an injured soldier that comes back, that was in the reserves, that would assist him or her in being able to retain his or her job?

Ms. Allan: I want to remind the member that this legislation was discussed at LMRC. That whole issue was discussed at LMRC, and felt that the injured worker would be covered by the human rights legislation. So they felt that the legislation that you have before us is consensus from LMRC, employers and labour.

Mr. Lamoureux: Is the minister aware if any other provinces are going beyond what this legislation is proposing in order to protect those reserves?

Ms. Allan: There are only three other jurisdictions in Canada that have this kind of legislation, and none of that legislation has been proclaimed. One is the federal government; one is Saskatchewan; and one is Nova Scotia, and it's an NDP private member's bill. We believe that our legislation protects reservists, and we're comfortable that it does what we want it to do.

*(16:10)

Mr. Lamoureux: Could the minister indicate to which organizations involved with the reservists that she would have been in discussion with, and if, in fact, this would have been a topic for discussion with them?

Ms. Allan: I did not directly speak with anyone in regard to this. The staff in my department that are support to the LMRC did the liaison with the stakeholders. They're the individuals that spoke with them in regard to this legislation. We have been active in discussions with all of the people at CFCL.

Mr. Lamoureux: I am not clear in terms of what the CFCL is. I'm just going to then make the assumption or just get clarification from the minister that, in fact, the department has had some dialogue with the reserve administration in regard to the bill prior to it receiving second reading.

Ms. Allan: Yes, we have done our consultation with the appropriate stakeholders. I can guarantee you that. The other thing that I am going to say to you right now, and I want it on the public record, we have briefings with our critics all the time on all of the legislation that we do.

From now on, the MLA for Inkster will receive by e-mail, in writing, an offer of a briefing, because we called your office for a briefing. I understand that yesterday in the House you said that you felt you didn't receive a phone call. So, from now on, we will have a written record of every time we offer you a briefing to ensure that you have that opportunity to come to my office and have a complete briefing, because we want people to understand the legislation. We think that that's important. So, if that will help facilitate your having the knowledge of the legislation, we'd be more than happy to make it easier for you, so that's what we're going to do.

Mr. Lamoureux: I appreciate it. Thank you very much, Madam Minister.

Mr. Chairperson: Clauses 1 and 2—pass; clauses 3 and 4—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 4:13 p.m., what is the will of the committee?

An Honourable Member: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 4:13 p.m.

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/index.html>