

Third Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

*Published under the
authority of
The Honourable Myrna Driedger
Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

Member	Constituency	Political Affiliation
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ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
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COX, Cathy, Hon.	River East	PC
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YAKIMOSKI, Blair	Transcona	PC
<i>Vacant</i>	St. Boniface	

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, April 26, 2018

The House met at 10 a.m.

Madam Speaker: O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom and know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

Please be seated. Good morning, everybody.

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

Madam Speaker: The honourable Leader of the Official Opposition.

Mr. Wab Kinew (Leader of the Official Opposition): Sorry, was I recognized?

Madam Speaker: Yes, honourable Leader of the Official Opposition.

Mr. Kinew: Thank you. I'd like to ask for leave to move to Bill 226.

Madam Speaker: Is there leave to proceed with Bill 226 this morning? [*Agreed*]

SECOND READINGS—PUBLIC BILLS

Bill 226—The Vital Statistics Amendment Act

Madam Speaker: We will move to second reading of Bill 226, The Vital Statistics Amendment Act.

Mr. Wab Kinew (Leader of the Official Opposition): I move, seconded by the member for Minto (Mr. Swan), that Bill 226, The Vital Statistics Amendment Act; Loi modifiant la Loi sur les statistiques de l'état civil, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Kinew: The bill that I'm bringing for consideration to second reading before this House today would amend The Vital Statistics Act to provide a gender-neutral option for designating somebody's sex on birth certificates and other forms of government ID issued by the Province.

So I think the immediate implication would be that somebody, if this bill were to receive royal assent, would be able to, after 30 days, go to Vital Stats and have their birth certificate reissued with a non-binary option if they so chose. Seeing as how the birth certificate is a foundational piece of ID that's referred to in other forms of ID like driver's licences, then I guess further on down the road as this were—if this did become implemented, that, you know, MPI and other agencies—maybe the liquor board—might also amend their forms of ID, if they have gender designations on them, to also offer a non-binary option.

Now, non-binary, as I understand it, it's an umbrella term that applies to many people who identify outside of male or female. And so there may be many different groups of people who this could benefit. I know there are a number of non-binary people that I spoke to yesterday and in the drafting and consultation around this bill, I also spoke to members of the trans community—transgendered folk—as well as two spirit people.

So those are just a few examples of people who may choose to express themselves with a term like trans or two spirit, but again, would be captured under, I guess, the umbrella term of non-binary. So I offer that to you and you—for your consideration, just as, I guess, a little bit of background and explanation for what is meant by non-binary.

The rationale is that right now people who fall into the non-binary category aren't really represented correctly if they identify as male or as female.

And I think there's been increasing awareness across our society that when people are misgendered or forced to identify according to a category that is not accurate that not only is that unfair, but it can also cause a person pain and stress and consequently, because somebody may have stress hormones released through their body that that could cause plaque in the arteries and later on lead to hypertension, that this may actually cause an individual physiological harm in the long-run too.

So it's a very important issue, I think, that we ought to address. And as we reflect on, I think, the progress that, you know, trans folk have made in our society, as we've seen over the last number of years,

increasing acceptance in the media, increasing acceptance and visibility in pop culture, and also importantly, I think, increased legal recognition, through things like the Human Rights Code, at the provincial level and human rights law at the federal level, we see that there's been this march forward, if you will.

And so we're at a situation currently where, you know, non-binary folk are accepted in their own circles—friends, family. We know that because of the work of GSAs and other progressive educational leaders, that non-binary folk are accepted in their schools. And it seems right to me that the next step be that we ensure that the government, the democratically elected and democratically constituted government that represents these folk also send a message to them that they are accepted.

And I think that an important step was taken a number of years ago—my colleague from Minto played a really important role in that—in ensuring that there was Human Rights Code protection for gender identity which would apply in this situation and would actually say that somebody can't be discriminated against on the basis of their gender identity. However, while we have that broad Human Rights Code protection, I think, the conversations over the last few years have revealed that we need to do more work to implement that on the everyday business of government for things like identification.

And so this bill does, I guess, build on that previous work and does represent, I think, the next logical step that we could take as a province to ensure that everyone is included and that government does live up to the inclusion that I think we know it stands for. But we are also cognoscente of the fact that it continuously needs to be pushed to ensure that it abides by that spirit of inclusion.

So, as background to the bill, you know, this bill is not something that we cooked up in the NDP caucus or came to as sort of a political deliberation. It was actually, I think an example of how democracy can work. I checked my email one morning not too long ago and I found a message from a constituent in there.

And that person, Sam MacKinnon—Sam Kayden MacKinnon—basically—and I'm paraphrasing here—said, I'm somebody in Fort Rouge. You are my representative and here's a change to the law that would really help me feel better about myself, but also would be an important implementation of my

rights as an individual. And I want you to take this forward.

* (10:10)

So I looked into it a bit and I realized, yes, this is an outstanding issue and it's one which may affect the health and wellbeing of non-binary folk in our community. And so it seems like an important bill to bring forward.

And so we got to talking. We met and, you know, basically, I wrapped my head around the issue a little bit better. We started drafting the bill and from there I set out to reach out to a number of people in the community.

And so I reached out to a number of different organizations who work with non-binary people in our community. Also reached out to, I guess, people in my own network who I know who are either allies or who are themselves non-binary and would potentially be affected by this bill, and talked to them. And we had a number of good discussions. I think uniformly—or, universally, perhaps more accurately I could say universally—there was support that it's time for this to happen. And this is something that is needed.

And I think there was also a very good discussion, which was always helpful for me, just to, you know, get a better understanding for who non-binary people are and what some of the groups captured under that umbrella term are, and what are some of the realities that they're living with.

And so again, you know, some of the concerns that were outlined in those conversations were that, you know, non-binary people are often—they feel discriminated against when they apply for a job or go into an interview and they can't accurately represent their gender identity on a application form, as an example.

And sometimes they feel misgendered when they go to a public washroom or the washroom in a restaurant and they're forced to go male or female, and maybe even face some comments when they go into one of those washrooms.

And, again, you know, they're just trying to live their life, but they're forced into these sorts of situations where they're put up with their backs against the wall, so to speak.

So here I would acknowledge the work that's been done to make a gender-neutral washroom here at the Legislative Building. I think that does show

the same sort of spirit and intent that is behind this bill. And I think it shows that there is, I think, a common ground that can be built on to do some good work here together to benefit all people in our province.

I think that the other piece of information that I'd share is that we're coming up to Pride season and Pride Winnipeg Festival, in particular, is coming up right around the time that we're wrapping up our sitting of this session of the Legislature.

And so I think there's also a really good opportunity to come together across party lines and do something which is needed by this community—or, by these communities and—which could be passed and even could have royal assent so that the bill could at least be on its way to full implementation by the time Pride takes place here.

And I think that that would be a very good victory—again, not on a political level, but a victory for this part of the community who have been advocating for this, who have asked for this and will soon come together in order to celebrate the progress that they've made over the years, and also to recognize that there is still more work to do here.

So again, this is a bill that would open up a gender-neutral option for designation on forms of identification, like birth certificates. It's the right thing to do, and I think it's time for us to do it. And so I'm very happy to bring it forward on behalf of one of my constituents, as well as many other people here in the province of Manitoba.

Questions

Madam Speaker: A question period of up to 10 minutes will be held. Questions may be addressed to the sponsoring member by any member in the following sequence: first question to be asked by a member from another party; this is to be followed by a rotation between the parties; each independent member may ask one question; and no question or answer shall exceed 45 seconds.

Hon. Heather Stefanson (Minister of Justice and Attorney General): I'm wondering if the member opposite—of course, when you bring forward legislation in the Chamber, there's usually a significant amount of background work that's done, a significant consultation process that takes place.

I'm wondering if the member—member opposite, he talked about speaking with a few members of the community. If he could indicate to us which

organizations he met with and who specifically he met with, with respect to consulting on this piece of legislation.

Mr. Wab Kinew (Leader of the Official Opposition): Yes. So, again, there was, I think, a very broad consultation which included both organizations, activists, members of the communities affected who are very visible, as well as people in my own network.

So the minister asked specifically about organizations, so I would share, I guess, a few of the representative organizations that I spoke with. The Rainbow Resource Centre is a great organization in my constituency, and I consulted with a number of their staff members, both the broad staff but also those who specifically work with non-binary folks. I reached out also to QPOC Winnipeg and consulted with them; that's Queer People of Colour Winnipeg. And reached out to another organization—

Madam Speaker: The member's time has expired.

Ms. Nahanni Fontaine (St. Johns): So I just want to congratulate our leader in bringing forward Bill 226, and I think that it's worth noting, again, for the record—and I know that our leader has spoken to it, but I would ask him if he could explain perhaps in a little bit more detail how the bill was inspired.

Mr. Kinew: Well, I think the reason the bill—or how the bill was inspired was having this constituent, Sam MacKinnon, reach out to me, and I think I explained the mechanics of how that conversation happened: email, meetings and then other subsequent conversations. But I guess to speak to the inspiration of it, I just, you know, met this individual who's a very, I think, earnest, good-hearted person. They came forward to me and they said, you know what, I feel like my government does not accept me for who I am and I feel that I am being discriminated against.

And I reflected upon the journey that made it possible for a First Nations person such as myself to occupy this chair in the Chamber, and I thought, well, you know, in future generations, they're going to look back and ask, what did we do to continue to broaden—

Madam Speaker: The member's time has expired.

Ms. Janice Morley-Lecomte (Seine River): I was wondering if the member opposite could outline for everyone the process that was undertaken for this change.

Mr. Kinew: Okay, I apologize in advance because I didn't hear the last little bit of the question, but I believe the question was what the process would be for someone to change their—the change—*[interjection]*—the legislative change in the bill? Okay, so I guess the legislative change in the bill would be that The Vital Statistics Act is a broad set of legislation under which regulations are prescribed that govern people's government-issued ID here in Manitoba.

So what we're looking to do is, where there's currently two gender markers available, we're looking to add a third gender marker that would be called non-binary that would allow for a more accurate representation for individuals who might identify as non-binary. Again, the implication—

Madam Speaker: The member's time has expired.

Ms. Fontaine: So I would ask in—you know, why is it important for people to have government documentation that reflects how they choose to identify themselves?

Mr. Kinew: Well, this change has already taken place at the federal level. It's now possible for somebody to have a passport with an X designation on it. Other provinces and territories have moved in this direction. Ontario did it, I think, as a legislative initiative. Newfoundland did it, I believe, as a result of a human rights challenge in that province. And Northwest Territories has also moved in this direction.

The reason why it's important, again, is (1) it's a matter of human rights, and so respecting the protection around gender identity, and then, second, I think the broader issue is just people want—for whom gender identity is a very big part of how they define themselves, they want to be able to accurately express that. And having identification that can then be referred to in job applications and travel—

Madam Speaker: The member's time has expired.

Mr. Reg Helwer (Brandon West): I know the member's new to the Chamber here, and he may not be clear on some of the rules, but it is clear that as private members we are not to introduce bills that are—have a financial impact on the government, a money bill.

And this one, I see, would require several changes to software and probably hardware and

forms in various government departments, so it would require our government to spend money.

Could the member please tell me why this bill is not a money bill and why it shouldn't be ruled out of order by the Speaker?

* (10:20)

Mr. Kinew: Well, I think the reason it shouldn't be ruled out of order is because it's already been found to be in order, I guess, is the first point. The second point is there's no provisions of the bill which would legislate any sort of appropriation or would legislate any sort of government spending.

Again, the bill has to do with a rule change—or, a legislative change, rather. And that's really the substance of the debate here today. I would note that there's other private members' business which contemplate legislative changes that, I guess, when fully implemented may have implications on various departments.

But, again, that wouldn't be cause to rule any of those private members' bills out of order in those cases, either.

Hon. Steven Fletcher (Assiniboia): Madam Speaker, I'd like to ask the Leader of the Opposition simply: Why not just remove all gender identifiers off all the—all ID? If we're worried about discrimination, let's just—on gender—let's just get rid of any identifier. It carries on and it—you know, at one time we had religion on our passports. That seems to be by the wayside. Maybe it's time to get rid of any gender designation.

What does the leader have to say?

Mr. Kinew: Thanks, it's an interesting idea that our colleague raises. And I think a part of it, it has to do with compliance for passports and other forms of identification. But I think passports may be the most germane.

And again, a birth certificate is a foundational piece of ID for other forms of identification.

Many individuals need a passport in order to live their lives to the fullest, to travel abroad for pleasure or business. And in order to apply for that, you need a birth certificate.

There is a gender box on the passport, and so in order to, I guess, fulfill—you know, just to have the necessary legal compliance there, I think it'd be necessary to have that on the provincial form of ID that's the base for the—

Madam Speaker: The member's time has expired.

Ms. Fontaine: Can the member for Fort Rouge (Mr. Kinew) and our leader please explain how this will be an important step in ensuring inclusivity for the non-binary and gender-diverse community?

Mr. Kinew: Well, again, this would allow somebody to, you know, get their birth certificate changed and then potentially to be able to get a passport change and other things like that.

As it's been explained to me by the people that I've been talking to, this would remove a source of stress in their lives. It would remove a source of pain and, as they explained it to me, a form of discrimination—discrimination, as they describe it.

They have the human rights protection to not be discriminated against on the basis of their gender identity, and now they're saying that we should go a step further in the implementation of those rights by recognizing their—closer to their true gender identity—

Madam Speaker: The member's time has expired.

Ms. Morley-Lecomte: Can the member opposite identify if there are any restrictions, specifically any age restrictions, under this legislation?

Mr. Kinew: So this bill that we're bringing forward here today would not change any of the rules around, you know, ages that somebody has to be in order to request their own birth certificate—in order to change information on their birth certificate. So all the existing standards would still apply in Manitoba.

Rather, if somebody who qualified to have a birth certificate re-issued—and, again, with the proviso that there's other forms of ID that may be affected.

But, for instance, if somebody qualified to have their birth certificate changed already, or reissued, then this would just provide an option for them at that time to be able to choose a non-binary option for the gender designation over and above just the male and female—

Madam Speaker: The member's time has expired.

The time for questions has expired.

Debate

Madam Speaker: Debate is open.

Hon. Heather Stefanson (Minister of Justice and Attorney General): I'm pleased to rise today and put

a few words on the record with respect to Bill 226, The Vital Statistics Amendment Act.

You know, Madam Speaker, I am a little disheartened, and I sort of wonder and I have to question—and, unfortunately, I have to question this, of the member opposite and his motive in bringing this forward, especially when he did it in the manner in which he did.

This bill was on the Order Paper. It was to be introduced in the Legislature. And out of respect for all members of this Legislature, out of respect for you, Madam Speaker, it's important that members opposite introduce legislation prior to going out and making announcements out there with respect to legislation.

It's very difficult when you're out making announcements on legislation that we as legislators have not had the opportunity to have a look at, to see what potentially there could be some unintended consequences as a result of bringing forward legislation.

So I think it's unfortunate the way this happened. This also, Madam Speaker, it should be noted, is not a necessary piece of legislation. This is something that can be done without bringing forward legislation.

And I think the member opposite knows that, but proceeded to go in this manner. It's something that he and I could have had a discussion about. He could have come to our government; we could have had a discussion. If he truly wanted to bring something like this forward, we could have had this discussion, and in that discussion, I would have talked to him about an organization that's called the Vital Statistics Council for Canada, which is currently reviewing this very issue, Madam Speaker, and I would have talked to him and said the importance of having a uniform approach to this across the country.

The member opposite mentioned Ontario. Ontario has not brought this in as of yet. The only jurisdiction that has is Newfoundland and Labrador and the Northwest Territories, Madam Speaker. It's very important—this is about collecting statistics for Statistics Canada. This is about research purposes. And it's very important that we get this right and we take the time to get it right and we take a uniform approach across the country with respect to that. So we have a person at the table at that Vital Statistics Council for Canada, at the table, and we are taking an interjurisdictional approach to this.

And I think it's very important from a vital statistics standpoint that we respect that process and that we look at a pan-Canadian option to this and answer to this.

So I think it's very important for the member opposite to understand that. And, again, I think if he had come forward to me or to any member of our government and had that discussion prior to this, rather than—and, you know, I hesitate to say this, but it just seems a lot like the motive is political.

And I have way too much respect for my friends in the LGBT community, for those non-binary individuals, Madam Speaker, in our community, to our friends in those communities, to play politics with an issue like this.

I recognize that this is on the eve of Pride week that's coming up. I hope that that is not his—that that's not his motive, because it's very important, out of respect for all of those individuals, out of all respect for all Manitobans, that we take the time to get this right. So I hope that is not his motive.

I do recognize his constituent, Sam, and I want to thank Sam for bringing this issue forward. I think it's individuals like Sam out there that can make a change in society. And I think it's very important to express those concerns and bring those issues forward from our constituents.

So I do want to thank the member opposite for bringing that forward on Sam's behalf and allow us the opportunity to have this discussion today.

But, Madam Speaker, I think we need to look at the track record of our government and how we have been inclusive to the LGBT community, and we will continue to be inclusive to all Manitobans, regardless of gender identity or sexual orientation.

Madam Speaker, our leader—or our Premier (Mr. Pallister) yesterday talked about the fact that we are the first Legislative Assembly in our country to have gender-neutral washrooms in this building.

I can recall many times where I had difficulty when I was first elected even finding a women's washroom in this building.

I think we had to go down to the basement to find a washroom. So I think we've come a long way, not only just for women, but those—but all Manitobans as well, regardless of gender identity.

Renovations to the Chamber, Madam Speaker: you've done an incredible job here in this—and, you

know, we've come a long way to advancing inclusion in this building and throughout the province.

* (10:30)

We've made meaningful progress, Madam Speaker, in building a more inclusive school system and improving educational opportunities for students and for families. In September of 2017, we announced three new resources to enhance the safety and well-being of students in Manitoba schools called: Creating Racism-Free Schools through Critical/Courageous Conversations on Race; Supporting Transgender and Gender Diverse Students in Manitoba Schools; and also Safe and Caring Schools, A Whole-School Approach for Planning for Safety and Belonging.

So these are some of the things that we have done, Madam Speaker, and I think it's very important to highlight those things, that we are a very inclusive government. But we don't just talk about being inclusive, we actually act on that, and that's what we have proven.

So, Madam Speaker, birth certificates are foundational documents that are used for many other forms of identification and, as a result it's very important—I've said this already—that we get this right.

We need to ensure that this information is accurate for researchers, but also for Manitobans procuring other services in Manitoba, in Canada and, in fact, internationally. Complete and accurate information in the provincial registry is needed because authorized users require a data for economic policy making, health-policy making and research that will benefit Manitobans. Information in the provincial vital event registry is also used by individuals to provide evidence of foundational identify which contributes to provincial and national security initiatives that involve identity management.

So these are very complex issues, Madam Speaker, and we know the federal government has expressed caution to those travelling abroad without a passport that identifies sex. We don't want to put any Manitobans at risk by rushing into this change.

I want to talk a little bit about the Vital Statistics Council for Canada which is currently reviewing this very issue, Madam Speaker. I've mentioned that already; it's important that we get this right.

The council has been exploring options for uniform approaches and lessons learned from

jurisdictions that have begun to implement alternate options to displaying M and F on birth certificates.

So, Madam Speaker, Manitoba is participating in the interjurisdictional advisory group which is reviewing options to the traditional male-female sex designation categories.

The council provides a forum for developing common approaches for collecting vital statistics and sharing information. It solves problems, Madam Speaker, by sharing experiences, research findings and expertise among jurisdictions. It also facilitates discussion with a view to creating a uniform approach with regards to governing legislation, data collection and certification of vital events.

Legislation regarding vital event registration and certificate issuance varies across jurisdictions. Right now, Madam Speaker, we unfortunately have an inconsistent approach to this issue across Canada. But we want to ensure that we monitor best practices across Canada and ensure consistency across jurisdictions, and I've already touched on that.

So, Madam Speaker, before we make this change, I think we've got some homework to do. We in the Department of Justice and Vital Statistics are a part of this discussion at the Vital Statistics Council for Canada. This is the approach—the appropriate approach to this.

We will continue to consult Manitobans on this very issue, and it is an important issue. So—but it's important that we take the time to get it right, that we work with other jurisdictions across Canada to ensure that we take the time to get it right.

So, while I thank the member opposite for bringing the question—'rere'—bringing this forward, Madam Speaker, I do question his motives, the timing of it, the fact that he could have come forward.

This is not a piece of legislation that's required. He could have come forward to—if he really wanted to have an all-party approach to this or an all-, you know, Manitoban approach to it. He had other options that probably could have worked better than this approach which smells a little bit of playing politics with this, which is unfortunate for this issue. It's an important one and it's important discussion to have.

Thank you, Madam Speaker.

Ms. Nahanni Fontaine (St. Johns): Good morning, Madam Speaker.

I'm pleased to put some words on the record of what is certainly a very important bill and timely and I think goes a long way for all of us in this Chamber in respect of standing up for non-binary Manitobans who often face discrimination, isolation, and a variety of different other emotions in respect of accessing what is their right to access identification.

Again, Madam Speaker, I want to actually take the opposite approach for the Minister of Justice (Mrs. Stefanson), and I actually want to congratulate the Leader of the Opposition in respect of this bill.

I think that the way in which this bill found its way here this morning is a good illustration and example of listening to Manitobans, understanding what the issues are that Manitobans are facing, and doing our jobs as legislators here in Manitoba, and that is to seek resolution and to stand up for Manitobans.

And so certainly I would suggest, and I want to put on the record that, quite to the contrary, this isn't a political move as has been suggested, but is simply a move to honour and stand with Manitobans who are struggling.

And so I commend the Leader of the Opposition. I think that it is a testament to the leader's commitment to LGBTTTQ Manitobans and that certainly I think that it is an illustration that we must and need to do better—all of us in this House, but certainly all of us as Manitobans, to create an inclusive and equitable Manitoba and society.

And certainly this is a very simple change, actually, Madam Speaker, in respect of ensuring inclusivity, and that is to reflect on the applications for ID documentations, the fact that there non-binary Manitobans and a simple X rectifies and offers resolution to what many are struggling with.

It is a common sense approach and I would suggest it is a very simple approach and, you know, if we are truly committed to all Manitobans, including, you know, members of the LGBTTTQ community, it's something that we could certainly vote on today and send on to committee and then actually have the opportunity to hear from those Manitobans that struggle with this every day and to hear directly from them in respect of how those struggles manifest itself in their daily lives, either emotionally or just practically, and move us forward here in Manitoba to be more equitable.

So I don't—you know, again, respectfully to my colleague from Tuxedo that, you know, I think that

the time is now to stand and support non-binary folks and Manitoba could stand alongside other provinces who have made these very, very simple changes, and Manitoba could, in fact, also take a lead in showing other provinces and territories across the country that in Manitoba we stand with all Manitobans and in particular, we stand with all Manitobans who are struggling for something that they shouldn't be struggling with, and that Manitoba is prepared to take the needed steps that we need to take in order to ensure an equitable space.

* (10:40)

I think that the other thing that is particularly salient about today's bill is we have to understand that, you know, offering a resolution to the issue that non-binary individuals go through when seeking ID and identification—which, again, I would suggest is their right—we also have to see that this is, you know, the stress that it causes is compounded by the other issues that many members of the LGBTTTQ community and non-'binary' community face, you know.

So we know that often the levels of discrimination that Manitobans within the LGBTTTQ community face in respect of gaining employment or gaining housing, having adequate and safe housing—we know that actually a lot of Manitoba members of the LGBTTTQ community and non-binary folks face increased levels of homelessness.

They also, in—face higher levels of mental health issues because of the stress that they are under in respect of being isolated and excluded from the things that, Madam Speaker, you and I take for granted.

And so, you know, I think that to be able to see this issue and this bill, and, really, the benefit of this bill and the transformative effect of this bill goes beyond just accessing documentation, but it renders in a very tangible way that, you know, all of these other issues that the LGBTTT community and non-binary folks deal with are also unacceptable, and that as Manitobans, and certainly here in the Chamber as legislators, that we will not accept those issues and that we realize and recognize and accept that it is our sacred responsibility to stand up and to make things right.

So is the bill going to solve everything in respect of the discrimination that members of the Manitoba LGBTTT community and non-binary community face? Certainly not. But it is a very good step and a

tangible step at letting people know that we stand with them and, as best possible, that we are attempting to understand their particular vulnerabilities, and that if the least that we can do is change the vital statistics with a simple X, that we are willing in this House to stand up and to stand with them.

So, Madam Speaker, I think that—I think we can do something very good, and I think that it would be something that we could all be very proud of as we are on the cusp of very soon celebrating with our relatives in the LGBTTTQ and non-binary community during Pride.

It's something that we could all in this House say, this is what we did. This is what we did in this sitting. This is how we support you. This is how we stand with you. This is how we appreciate you. This is how we respect you. And, certainly, this is how we show love to some of Manitoba's most vulnerable and marginalized communities and peoples.

And I think that if people were to look into their hearts and they would see that this is a good bill. It's a non-political bill. It is simply trying to make right something that is not right right now, that we all in this Chamber have the power to change with a simple vote, Madam Speaker, and to transform the lives of not only Manitobans today but certainly Manitobans yet to come.

And I look forward to having a vote on this, hopefully today, so we can move forward collectively in a good, thoughtful, caring, compassionate, respectful way.

Miigwech.

Ms. Janice Morley-Lecomte (Seine River): I want to thank everyone for the opportunity to be able to put a few words on record with respect to Bill 226, The Vital Statistics Amendment Act.

I want to begin by discussing what the Office of the Vital Statistics provides for people living in the province of Manitoba. The office carries out many duties, which are in place to assist with the collection of information on the people who live within our province.

The following description was obtained from the website, and I quote: the Vital Statistics Agency is responsible for administering and enforcing The Vital Statistics Act, The Marriage Act, The Change of Name Act and processing disinterments under The Public Health Act.

The agency registers vital events: birth, death, marriage, stillbirth and change of name in Manitoba, and provides documents as proof of those events. Legislation protecting privacy governs who can access records held by the agency. End of quote.

In Manitoba, birth certificates for people born in Manitoba are issued by Vital Statistics Manitoba, and currently lists the sex of the person on the document. Section 32(3) of The Vital Statistics Act sets out the information that must be, at a minimum, included on a birth certificate.

Madam Speaker, this is a lot of information that has been gathered to track and record the population in Manitoba. It is very important to the individual seeking history and current information, for personal and public knowledge, that the information be accurate and up to date.

This information has been assessed by many individuals for many reasons. One can use the birth certificate as valid proof of citizenship to identify oneself when seeking assistance from government agencies such as EIA, medical or education, or when one is applying for other documents for themselves.

Parents use birth certificates when enrolling their children in school. Our world has become small with the amount of technology available.

Years ago, individuals would write letters to family members and wait for a timely response to see how they are doing. Through the introduction of technology, people have shortened the time it takes to speak to individuals around the world.

It is this shrinking, one could say, that has created the need for consistency. As with the increased use of technology, one has seen the increase in the number of individuals who travel within their own country and around the world.

The standard and legal form of identification to assist individuals in acquiring a passport is the birth certificate. Without this very important legal document, individuals are unable to acquire the proper documentations needed to assist with their travel to other areas of the country and the world.

Madam Speaker, we as citizens of Manitoba are very fortunate to be able to experience life in other parts of the world. The birth certificate plays a vital role in helping people get the first of many jobs. The birth certificate is standard in identifying individuals so they can obtain a social insurance number.

I know everyone present today has benefitted from having a social insurance number. I know this because we are all working. I know that I have my social insurance number. I also know that there are many individuals who have had their social insurance number stolen or perhaps misplaced.

The legal document used to replace a missing card is the birth certificate. I, again, believe that the legislation in place has been used for years and has been beneficial in assisting many people who have had to replace a missing card.

Madam Speaker, I wonder here—sorry, who here has not been eager to get their driver's licence. It is the right of passage at the age of 15 and a half years to go out and get your licence. I know for individuals living in the country, it is very important. A driver's licence gives individuals freedom to go out.

People such as myself, who grew up in rural areas, rely on their licence, as there is no public transit to take them out to the mall, to school or any events. The licence brings with it responsibility as well as freedom. One key piece of identification used when applying for a driver's licence is the birth certificate.

Madam Speaker, I've given many examples of how the identity of an individual is based on legislation that is in place and has been in place for many years.

As Canadians, we pride ourselves in being proud of heritage and our collective genealogical backgrounds. Canadians are known famously for our friendliness and our warmth. We are proud of our reputation when travelling and wear the Canadian flag on our belongings.

Madam Speaker, I ask, how has this been made possible? Well, it has been made due to the legislation that has been in place throughout our country, legislation which ensures all citizens in Canada can travel, go to school, drive a car or replace lost ID because of The Vital Statistics Act.

The Vital Statistics Act has registered individuals from birth to, literally, their death. People have been able to seek out information on family and past family members. It has formed the essence of who we are as citizens in this great country.

* (10:50)

Manitoba has further amended their forms and individuals have been able to change the sex designation on their Manitoba birth certificate

without undergoing or having to prove gender reassignment surgery since 2014.

Manitobans are open and embrace everyone. Our provincial government has been in the lead of such inclusion. We are the first Legislative Assembly in the country to have gender-neutral washrooms, renovations to the Chamber and throughout the building have gone a long way to advancing inclusion not only in this building, but throughout the province.

In September 2017, we announced three new resources to enhance safety and well-being of students: creating racism-free schools throughout critical or courageous conversations on race; Supporting Transgender and Gender Diverse Students in Manitoba Schools; and safe and caring students, a whole-school approach to planning for safety and belonging.

These are very complex issues. We know the federal government has expressed caution to those travelling abroad stating: the Government of Canada cannot guarantee entry or transit by border control authorities of another country.

Choose the sex that you feel would make it easier to travel. It is your responsibility to check with the embassy, the high commission or consulate of all countries that you intend to visit or transit through to enquire about entry requirements. This may affect various travel documents with an X designation.

Madam Speaker, as Manitobans we want to ensure that everyone can still live their life without any unforeseen road blocks. Travel is not just a luxury, but has become a part of work and education for many, ensuring that everyone has the accurate information to assist them as they travel.

Madam Speaker, it is to ensure that Manitobans can still access the many options they now have, that I will not at this moment support Bill 226 as it is written. Manitobans deserve more from their legislators.

Manitoba is participating in the inter-jurisdictional advisory group which is reviewing options of the traditional male-female sex designation categories. The council has been exploring options for uniform approaches from jurisdictions that have begun to implement alternate options to displaying male or female on birth certificates.

Madam Speaker, what the NDP leader is requesting does not require a legislative change. We are looking closely at the matter and want to get the policy right.

Ms. Cindy Lamoureux (Burrows): Madam Speaker, I'm happy to rise in favour of Bill 226, The Vital Statistics Amendment Act.

In short, this bill's about respect. Back in August of 2017 our federal government—the Immigration Minister Ahmed Hussen introduced legislation providing Canadians with a third option to identify their gender on all government-issued documents with an X-gender designation, rather than only an M or an F.

Since then Newfoundland, Labrador, Ontario and the Northwest Territories have all followed suit. So we are thrilled that it is now being introduced in the Manitoba Legislature.

Madam Speaker, this issue has been discussed within the political walls for a few years now, and it was back in 2016 when Manitoba Public Insurance Corporation discussed the possibility of allowing this option on drivers' licenses.

The conversation is happening, but it's time to take more action. One of our Liberal candidates during the last provincial election championed this issue. Our office is exceptionally lucky to have her as involved as she is, because she is the strongest advocate I know. Her name is Shandi Strong, Madam Speaker. I'm sure many members of this House know of her and she has dedicated more time than anyone I know in educating thousands of people. I know she's always my go-to and she's incredibly patient with me and all my questions.

Gender-fluid, non-binary and other gender non-conforming people have continued to struggle and it's time we put that to a halt. We need to work together and by accept—and by being accepting of each other and understanding that people have every right to be who they want to be, and we have no business trying to label someone something that they are not. We are happy to support this bill.

Thank you.

Mr. Reg Helwer (Brandon West): I'm pleased to rise to address the bill, Bill 226, and put some words on the record here.

You know, I know that the Leader of the Official Opposition (Mr. Kinew) is new to the House and he's

unfamiliar with a lot of the ways that we do business, conduct business, in the Legislature here.

But I was—always found that I was very successful for constituent issues and provincial issues in opposition when I would wait 'til question period was over and then ask the minister that we could sit over in the loge and discuss an issue. I certainly—the MLA for Minto and the MLA for Fort Garry-Riverview and I had discussions on education and on justice, the JCC committee and how that would proceed, and we were able to solve those problems in the House here. I never did have an issue with the member for Logan (Ms. Marcelino), but, you know, it—you know, it was great when she was in the cultural area there and heritage.

But those are the things that you do as an MLA in Manitoba. You—as a backbencher, you ask to talk to the minister involved, and in this case, he certainly could've gone over and spoken to the Minister of Justice (Mrs. Stefanson); she's certainly offered that, and she could've told him where Manitoba is in this process, that we are working with a federal-provincial group that is looking at this and how it will roll out across Canada so that we're not creating any problems in any particular jurisdictions and everything is consistent across Canada.

It's a very simple process, but instead he's chosen to make it political, and that's not too surprising, really, for the NDP, because he talks about being under one umbrella and, yes, this could've been very—a very inclusive process had he chosen to go that way. Instead, he's doing the divisive politics that we've seen time and time again from the NDP. We saw it certainly when we were in opposition, Mr.—Madam Speaker.

And, you know, with Bill 18, it was an opportunity to—the antibullying bill, it was an opportunity to include all people in Manitoba. Everybody's against bullying, but instead we saw the minister of Education at the time, Nancy Allan, chose to use it as a divisive issue, and she came out and she accused us of all kinds of things. We attempted to amend the bill to include—*[interjection]*

Madam Speaker: Order.

Mr. Helwer: —to include things that would enable school divisions to deal with bullying. We attempted to amend it to include cyberbullying, which the minister at that time totally ignored. And she said no to any amendments whatsoever, no changes to the bill, even though one of her colleagues, Jennifer

Howard, stood on the steps of the Legislature here during an event, talking about the legislation and said, you know, that the legislation does have flaws and it could be improved.

And when Nancy Allan heard me talk about that in here, she—when did she say that? So, obviously, she didn't listen to her colleagues like she didn't listen to other Manitobans, Madam Speaker.

And I'm encouraged that the member did listen to a particular Manitoban here, and it's sad to see how he's using this as a political tool. I feel for Sam. Sam has a great point of view, and he's got a great point on this and, in fact, the legislation would make it more complex because if the member had taken time to look at The Vital Statistics Act, he would see that sex is not currently defined in the act.

And this would impose a definition in there and would actually make things more difficult because you're putting a particular definition that may or may not be the one that people want to move forward on down the road. It may be something that's going to change again. So the minister's—or the member's looking to make this even more complex; again, the politics of division at work.

And, when I asked the question about the money bill, Madam Speaker, he did say in his response, that there would be an obligation on departments, well, a financial obligation. That makes this a money bill. It's something that has to be ruled out of order, in my mind. He's asking the government to spend money on this—*[interjection]*

Madam Speaker: Order.

Mr. Helwer: —and that's not something we can do as private members.

And, again, I know he's new to the Legislature. He doesn't understand those aspects of it. So he introduces this bill that, yes, it can be—it's gone through the Legislative Counsel and yourself, Madam Speaker, but, you know, the member did state in his response to my question, there's an obligation on departments. Well, that makes it a money bill, and he should withdraw it then and make it something that if he does, indeed, see it's necessary, perhaps he could go talk to the minister; she's offered that.

She can tell him about all the different provinces and the federal groups that are working on this 'petitial'—particular issue to make sure that we are consistent across Canada and we will make sure that

this particular area is well documented and is consistent for everybody that wants to select an X or perhaps nothing on their birth certificate or their other official documents.

We're working in that process, Madam Speaker. If the member would only talk to people, he would find that out, that this is a process that is under way. The minister has told him that, but again, like the NDP tends to do, he wants to divide people—

* (11:00)

Madam Speaker: Order. When this matter is again before the House, the honourable member will have five minutes remaining.

RESOLUTIONS

Res. 11—Standing Up for Worker Safety

Madam Speaker: The hour is now 11 a.m. and time for the private member's resolution. The resolution before us this morning is the resolution Standing Up for Worker Safety, brought forward by the honourable member for Tyndall Park.

The honourable member for Tyndall Park—oh, on House business prior to that, the honourable Official Opposition House Leader.

House Business

Ms. Nahanni Fontaine (Official Opposition House Leader): Pursuant to rule 33(8), I am announcing that the next private member's resolution to be considered on the next Thursday of private members' business will be one put forth by the honourable member for Wolseley (Mr. Altemeyer). The title of the resolution is protect Manitoba waterways from trans-'boundary' water projects.

Madam Speaker: It has been announced that the private member's resolution to be considered on the next Thursday of private members' business will be one put forward by the honourable member for Wolseley. The title of the resolution is Protect Manitoba Waterways from Trans-Boundary Water Projects.

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Madam Speaker: Moving on now to the resolution for this morning, the honourable member for Tyndall Park.

Mr. Ted Marcelino (Tyndall Park): I move, seconded by the honourable member for Fort Garry-Riverview (Mr. Allum),

WHEREAS all workers deserve to be healthy and safe in their workplaces and deserve to come home safe from their shift every time; and

WHEREAS there have been several notable tragedies in Manitoba of workers being injured or dying on the job, most recently the death of a northern Manitoban man who died on a Manitoba Hydro construction site in January of 2018; and

WHEREAS this week workers and families mark the National Day of Mourning in order to commemorate the lives lost and to recommit to ensuring every worker has a safe workplace free from illness and injury; and

WHEREAS this Provincial Government has proposed dismantling the Advisory Council on Workplace Health and Safety in the middle of a mandated five year review of the Workplace Health and Safety Act, undermining the voice of workers and employers; and

WHEREAS the Provincial Government is reviewing occupational exposure limits for workers, putting the priority of cutting costs ahead of worker safety; and

WHEREAS this Provincial Government has passed legislation which threatens safety regulations that protect workers under the guise of 'red tape' reduction; and

WHEREAS it must be made clear to this Provincial Government that safety regulations are not red tape.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to recognize the importance of ensuring safe workplaces for all workers and commit to making worker safety the first priority always by reversing its proposed cut of the advisory council on workplace health and safety.

Motion presented.

Mr. Marcelino: Let me put a backgrounder to this PMR by stating that I was a worker during my younger years, and when I arrived in Canada, not being able to exercise my profession as a lawyer, I was forced to engage in the repair of tractor tires. I was hired for \$4.50, which was good, because the minimum wage at that time was \$3.15.

Mr. Doyle Pivniuk, Deputy Speaker, in the Chair

And when I started working, coming from the pedestal of being a trial lawyer to working in an environment what I—where I had to use those tools that are usually associated with cleaning up those

busted tires and making a bigger hole when it a small hole, I found that I was becoming more appreciative of the difficult work that those manual labourers had to go through each and every day.

And on my third month on the job, I almost got killed, and, lucky me, I was able to stay away from the fall—it was a falling pole that escaped from its—it was a pneumatic pole that escaped from its lock and went up, straight up, almost to the ceiling, about 30 feet, and then fell right where I was standing. It grazed my knee. I still have a two-inch scar to show for it.

And I said to myself, for \$4.50 per hour I could have lost my life. For \$4.50, it could have cost me a limb. For \$4.50, my wife would be in dire straits if I were injured. Was it for a lack of training? Maybe. Was it because the employer didn't care about the employees and labourers? I don't know, maybe. But the deterioration of one piece of equipment almost took me out.

And I remember that vividly, because as I grew older I found that there had been some other instances where accidents happen. And—there is a member of my family, Ross, who almost got killed when a stack of materials fell on him while he was just walking between those stacks in a warehouse where he was working. He still has a huge scar on his forehead to show for it.

And there was another one where—I call him Diko Menor, who lost his forearm to a blade of a machine while he was working at a manufacturing plant, and the workers have sometimes assumed that everything is safe, that everything is okay, that they'll be able to get home safe and uninjured to a family that he's trying to raise.

It is amazing now that, as we have this advisory council that we have relied on in order to make workplaces a little bit safer, a little bit healthier, is being cut. And the reason is very simple, I think, and—but illogical. Money; bottom line. And they're trying to save—this government, the Pallister government—is trying to save some money.

I understand that these are the most—these are the easiest to cut because nobody raises a hackle about it. But now we are seeing a little bit more of the dangers that these cuts will do to worker safety.

Worker safety denotes health and wellness too. It does not really mean just the avoidance of risks and accidents and injuries. It is the promotion of

good business practices so that a worker can expect to go to work and come home safe, alive.

* (11:10)

And we have had some tragedies that we could—unfortunately, we may have to commemorate and mourn. There's that Hydro worker whose life was taken by a loose cable, and it's a pure accident. And it's a good thing we have the Workers Compensation Board, and it's a good thing that we have a system wherein the employers are protected from any lawsuit from the labourers because we have chosen to set up the Workers Compensation Board.

The main problem I have is that because most of the direction of the Workers Compensation Board is towards denying some of the claims of some of the workers who deserve to get paid—that we have to keep on fighting for their right to be paid enough in order that they could live another day. The workers of the world need help from government.

And one of the mistakes of the provincial government, this current provincial government, is its proposed dismantling of the advisory council on workplace health and safety while it was in the middle of a mandated review. It does not make sense. I know the reason, but it is illogical.

Now, there are other things that the provincial government, this current provincial government, has proposed, in that there has been some attempts at the—they call it cutting red tape. And I refuse to accept it.

My brain does not want to accept it, that when you are dealing with workers' safety and when you're trying to find a way to make it safer for workers, you don't call it red tape. You don't call it black tape. You don't call it any other tape. It is just to save lives.

And for everybody who's listening to me now, I want to make sure that you hear me right: this does not make sense. This does not make sense. Common sense dictates that workers should be protected each and every step of the way from recruitment to training to retention—

Mr. Deputy Speaker: The honourable member's time is up.

Questions

Mr. Deputy Speaker: A question period up to 10 minutes will be held, and questions may be addressed in the following sequence: the first question may be asked by a member from another

party; any subsequent questions must follow a rotation between parties; each independent member may ask one question; and no questions or answers shall exceed 45 seconds.

Mr. Bob Lagassé (Dawson Trail): Mr. Deputy Speaker, my question to the member for Tyndall Park is: Who did he consult on this resolution?

Mr. Ted Marcelino (Tyndall Park): I thank the member for the question.

And we consult if we needed to, but then this resolution addresses an issue that was instigated by the provincial government by cutting—by cutting the funding for the advisory council by proposing cutting costs and cutting red tape. And labour has always been concerned about all of this.

Mr. Tom Lindsey (Flin Flon): Can the member explain how dismantling the minister's advisory council on workplace health and safety is going to ensure that regulations stay current and up to date? Once that committee is gone, who's going to be left to review the state of acts and regulations?

Mr. Marcelino: I thank the member for the question.

It is amazing that in order to reform and realign government operations, the first thing that gets attacked by this provincial government are the workers, and I will stand against such attacks any time of the day.

Mr. Andrew Smith (Southdale): I do thank the member for bringing this forward. I'd just like to ask a question, why he thinks that reviewing The Workplace Safety and Health Act every five years is considered unsafe.

Mr. Marcelino: I thank the member for the question. It is wrong to assume that by cutting the services of the advisory council will 'redounded' to the benefit of anyone. It is not logical. It is not commonsensical. It really does not make sense.

Mr. Lindsey: You know, the minister's advisory committee doesn't take the place of the overall review of the legislation every five years. What it does do is stays current with what's happening in the world of health and safety on an ongoing basis so that as hazards get identified, as the science catches up with worker injury and fatalities, those kind of things don't have to wait for five years.

So can the member explain why it would be important to stay up to date and current and make

sure the regulations are actually protecting workers every day as opposed to waiting for five years before you update a regulation?

Mr. Deputy Speaker: The honourable member's time is up.

Mr. Marcelino: It's a good question, and I'll answer it in another way where the point of view of labour itself. The reason why there is a decrease in the number of fatalities and injuries and claims is because the advisory council, the rules and regulations and those practices that have been in place are working. Why would this government cut something that works?

Mr. Nic Curry (Kildonan): Can member please explain why the NDP failed to create a WCB employer advisory officer, which was unanimously recommended in the 2005 report of the Legislative Review Committee of The Workers Compensation Act?

Mr. Marcelino: The useful response would be a direct answer to that question, but I refuse to answer that question because it does not make sense. *[interjection]*

Mr. Deputy Speaker: Order.

Mr. Marcelino: As you could imagine— *[interjection]*

Mr. Deputy Speaker: Order.

Mr. Marcelino: —cutting the advisory council will mean— *[interjection]*

Mr. Deputy Speaker: Order.

Mr. Marcelino: The advisory council dismantling will mean that there won't be anything that's forthcoming from the review that was supposed to be done, and it really does not make sense to me.

Mr. Lindsey: You know, we realize—or at least on this side—we realize the importance of having strong regulations and strong enforcement of those regulations. So can the member perhaps tell us why just leaving workplace health and safety up to the individual workplaces is not going to work, why it hasn't worked in the past and why it won't work in the future.

Mr. Marcelino: The first and foremost aim of anybody who goes into business is to take the most profit out of the operation. I understand that. I operated my own business. But there is that sense of humanity that when you're employing somebody

who's offering his life, his time and taking all the risks associated with what he does for you, he should be protected by you as an employer as a matter of duty.

* (11:20)

Mr. Lagassé: Since I really didn't get a clear answer on who they consulted on the first question I asked, can the member please explain the research he's done into this resolution?

Mr. Marcelino: There's no need for research. There's no need for KPMG. There's no need for MNP. In this respect, it's common sense.

When there's a cut initiated by a government, there—they have a reason for doing that. And, as a member of Her Majesty's loyal opposition, we have to point out that it's wrong-headed, it's illogical, does not make sense.

Mr. Lindsey: That seemed like a pretty concise and true answer.

Can the member talk about—a little bit about the American Conference of Governmental Industrial Hygienists and why it's important to have proper occupational exposure limits set to protect workers?

Mr. Marcelino: A friend of mine died after being exposed constantly, five days a week, to benzene.

He was working for the aerospace industry and I was attending his hospital stay until he died. Those toxic substances, they don't call them toxic for nothing. He died in pain. And when he died, he said, get them.

I can't, because I can't prove it. But soon I might be able to do that.

Mr. Deputy Speaker: The honourable member's time is up.

Mr. Curry: I know the member probably just didn't understand my question. Here's one for him.

Soldiers get injured. Why did the loyal opposition, including the member, delay passage of Bill 215, the veterans preferential hiring act? If he cares so much about injured people and work, why did he care about delaying that bill and—

Some Honourable Members: Oh, oh.

Mr. Deputy Speaker: Order. Order. Order. Order.

Mr. Marcelino: I like the heckling from the backbench, especially when they don't make sense.

It was the government's fault that it was presented late, so if you're blaming the—Her Majesty's loyal opposition for your mistake, you've got it all wrong.

Mr. Lindsey: You know, the members opposite seem to get a little off track sometimes, and that's too bad that they lack the focus and possibly don't understand the importance of the workplace health and safety legislation, and don't understand the importance of the advisory committee.

So, again, I would ask the member if he could just expound on why it is important to keep that minister's advisory committee in place and why it's important to protect workers every day.

Mr. Marcelino: The importance of the advisory council hinges on their mandate to protect workers. They present a point of view coming from the workers' side to show that there are instances where employers, if they care enough, do not see. And it's the workers who would be pointing them out, that this is not safe, this is not good, this could kill me.

Mr. Deputy Speaker: The time for question period had expired.

Debate

Mr. Deputy Speaker: The debate is open. Any speakers?

Mr. Bob Lagassé (Dawson Trail): Thank you, Mr. Deputy Speaker, for the opportunity to put a few words on the record for standing by the—to the private member's resolution brought forward by the member for Tyndall Park (Mr. Marcelino).

I'm going to be—I'm going to try something a little different here this morning, there, Mr. Deputy Speaker. I think I'm going to talk a little bit about my memories of the work I did as a child and some of the things that occurred, as the member for Tyndall Park talked a little bit about his childhood and the jobs that he's had. I'm going to go back to when I was a bit younger. I think I was a little bit younger when he was probably a little bit older, but that's all right.

So I'm actually going to go back to some of the earlier—things that I did as a kid, and some of the things I wish I had been bubble wrapped a little bit better for. I can think back to being a child and getting my first skateboard, and thinking this is the best thing ever.

You know, a skateboard, and looking at the dike behind our house and thinking, you know what would be a really great idea? Putting a bunch of plywood down the dike and seeing how fast I can go on this skateboard. Being a novice skater, that didn't quite work so well for me. So that was my first experience with something extremely unsafe. And I can tell you this: it definitely hurt when I hit the other side there. In hindsight, I probably shouldn't have pointed them towards the trees in the yard as well.

Other things that I can think of as a child was the trampoline in the backyard and how we used to set it up by the big poplar tree. And one day I was out there, little ADHD child that I was, and I thought, you what'd be a fabulous idea? I'm going to be a stuntman today.

So going back into the, you know, work—well, not necessarily work that is considered safe, but I decided I'd climb that poplar as high as I could go. And here I go; I'm thinking this is going to be a great idea. I flew out of that tree, Mr. Deputy Speaker, right onto the trampoline, and of course, being young, didn't really think about the laws of physics and the way things were going to go for me at that point. The trampoline immediately rebounded me off, and I remember flying a good 10 feet from that trampoline in the opposite direction, thankfully not towards the tree. As you're hearing, there's a lot of trees that are in my dad's backyard.

I can also go back to some of my actual jobs, which were—was on the volunteer fire department in St. Adolphe, Mr. Deputy Speaker. In that day, we really didn't know a lot about the harm of smoke and the fact that we had to wear ventilation and, you know, tanks for air and all that.

I can remember fighting many a fire where we actually didn't wear masks; we were just out there fighting these fires with the smoke hitting us full out in the face.

And, you know, it probably is the reason why my glasses are a little bit thicker nowadays, and I—there's times where my—cough a little more, but you know, that will remain to see as I get older.

I can also remember times where I worked on farms and we were hay-tossing, probably one of the least safe activities out there, Mr. Deputy Speaker. I recall climbing up a good 20 feet on a lot of these hay bales and trying to place them properly and then finding the pockets where you kind of miss, and the

direct result being falling probably about waist-deep in a lot of times, thankfully not all the way to the ground, or trying to grab a hay bale that its string had rotted a little bit out on the field, and you go to move it again, and all of a sudden, you're landing 20 feet on your back down on the other side.

So, yes, workplace safety is important in learning how to, you know, manage in those situations, but sometimes—and I'm not saying that this is the case—in my case, I had to learn from my mistakes a lot of times, including the trampoline and the plywood going down the dike.

I'm just going to say, you know, standing up for workers' safety is important, Mr. Deputy Speaker.

I'm going to go back to my childhood and some of the early memories of waiting for my dad to get home from work. And I'm sure a lot of the members in the House have these memories of waiting for their parents to get home from work, where you just think all the worst case scenarios. You're sitting there and you're panicking because to—time to a child is an eternity.

And I have these vivid memories of just sitting in that big bay window in my parents' living room and thinking all the worst case scenarios because Dad was a few minutes late. My dad wasn't in the most—what's the word I'm looking for? It wasn't the most dangerous job on the face of this earth. He's a painter by trade—not the art kind of painting, but the house kind of painting and, you know—*[interjection]*

Yes, which is art. The member from Lac du Bonnet does—yes, it is an art. I can see—I can definitely see that now as I tried to do some work with him several times, and I was promptly told I'm not the best painter out there. Cutting in is not my thing; we'll put it that way.

* (11:30)

But I can—going back to that memory of sitting in that windowsill and that complete panic, and a lot of times that panic wasn't—was just our minds making it up that, you know, Dad was in some kind of car accident or Dad wasn't going to make it home, and as you can tell, he was a significant part of my life growing up, because I really think my mom felt he was the only one that could actually control me.

So, on the workers' safety end of things, you know, it even plays on children. It really does. I can remember many a conversation with my daughters, even, who often think in this job that I should be

home at a certain time and, you know, we know this schedule is not really a fluent—it's not predictable. It's always changing, Mr. Deputy Speaker, and I find that they share their memories of waiting and panicking because we're not quite home.

Thankfully, with technology nowadays, they can send me a text and I can quickly respond when my ringers are actually on, which is another thing that occurs a lot of times in this job. Your ringers are off and you don't get the message for a good hour after, so I can only imagine the—what goes through their little heads, because I've been there as well. Sorry, my body tremors decided to take the best of me while I was I was taking a drink, there.

So we heard earlier the member for Tyndall Park (Mr. Marcelino) talk about his first job and making \$4.50 an hour. I'm thankfully blessed that I was in a time where it wasn't \$4.50 an hour, but I can think of some of the workers' safety things that I would have liked to have in place and I'm pretty sure that was under their time in government.

I can remember being a—Chuck E. Cheese, actually, I was in the costume. I was out on the road and I was waving in plus 40° weather sometimes and thinking to myself that this was probably not the brightest idea.

I'm sure I suffered many—*[interjection]* Yes, well, and those suits did smell, as the Minister of Finance (Mr. Friesen) has said. They were quite smelly and most of the times, the guys who were in those suits and girls that were in those suits were also the ones doing the dishes in the restaurant, so you can imagine the added things that were brought in into those suits.

But standing out on the road on Pembina, I can remember, you know, spending a good hour in there and just waving at traffic as part of my job and I kind of wish at that time there were certain regulations in place, because I can remember coming back in feeling a little bit ill at the end of that particular time.

I can also remember times hopping into a really, really smelly costume and thinking, oh my goodness, there's got to be some kind of rule against this kind of thing, maybe a little bit of dry cleaning or something in between or a few different costumes for each individual. I guess I can only compare it to hockey equipment, which, thankfully, I don't have any children in my household that have decided to go down that road.

So just putting a few more—*[interjection]* Yes, as I was saying to the private member's resolution Standing Up for Worker Safety, the member for Tyndall Park mentioned that he actually didn't do any research. He said it wasn't necessary and he actually didn't really consult anyone. So he also mentioned that most of his jobs were when he was younger. I guess I would almost argue that as an MLA our jobs are a lot more important now because we represent the constituents. So we're really working hard here. We're not trying to just, you know, sit around and do nothing.

But, with those words, Mr. Deputy Speaker, I will turn the floor over to someone else. Thank you.

Mr. Tom Lindsey (Flin Flon): Where to begin to reply to a speech like that. I'll start with his final comments or towards the end of his speech about there should have been a regulation to protect him when he was wearing his Chuck E. Cheese suit in the hot temperature. Well, in fact, there is, Mr. Deputy Speaker, and in fact, those regulations have been in place for a while.

So that really gets back to the problem that we have with leaving workplace health and safety up to the employer to look after, because the employer has no idea what regulations are there because they don't bother to look. Now, lest I cast aspersions on all employers, certainly some are better than others—*[interjection]*

Mr. Deputy Speaker: Order.

Mr. Lindsey: But if that member's employer would have bothered to look under the workplace health and safety act, he would have discovered that a thing called the occupational exposure limits actually has limits on hot and cold temperature exposure for workers.

Now, this is one of the things that this government wants to cut. They want to do away with the automatic adoption of the occupational exposure limits that are put in place by people that know what they're talking about. What they want to have is—

Some Honourable Members: Oh, oh.

Mr. Deputy Speaker: Order. Order.

I just want to remind everybody that it's getting hard to listen to the member for—this presentation, so if you could—everybody could be quieter, and all the—for the member for Flin Flon, continue.

Mr. Lindsey: Mr. Deputy Speaker, I'll try and speak up so that I can be heard over the din from the other side.

Some Honourable Members: Oh, oh.

Mr. Deputy Speaker: Order.

Mr. Lindsey: This committee that this government has decided has no business being in place is one of the very things that stopped previous governments from doing away with the occupational exposure limits, because it went to the minister's advisory committee made up of worker representatives, made up of employer representatives, and they agreed that this was the best that we could have.

And why shouldn't—why shouldn't—working people in this province have the best protection possible? I'd like any member opposite to try and explain to me why dollars and cents should come before workers' health and safety.

When I first started in the worker health and safety field a number of years ago, the employer that I worked for averaged a fatality once every 15 months. That's a dead worker, on average, every 15 months. The member talked about, you know, kids worrying about mom and dad coming home from work if they're a few minutes late. I dealt with kids and wives and husbands whose spouse, whose parent never came home from work.

So this is utterly unacceptable that this government thinks that, well, we'll review it every five years, that's good enough. It is not good enough because the world changes much quicker today than it used to, and there are new hazards that get introduced to the workplace all the time.

There's new chemicals that get introduced. Somewhere in the neighbourhood of over 1,000 new chemicals get introduced in workplaces every year. So we should wait five years to see if those are safe. With the introduction of robotics, we should wait five years to see if they're safe for workers to be around.

Well, in fact, in the workplace I was in they introduced some robotics, and there was no actual regulation that talked about robotics. Fortunately, through the minister's advisory committee and through the standing committee for the review of the operation of mines regulation, we developed regulations that would make interaction between robotics and workers safe. We didn't wait five years to find out that, gee, that didn't work.

The member opposite talked about learning from mistakes. Learning from mistakes in a workplace is the wrong way. The standing committee for the review of the operation of mine regulation, which was a subset of the minister's advisory committee, which I was proud to be a member of for many years, reviewed that particular regulation on an ongoing basis.

Now, these members opposite talk a lot about, well, we need to reduce red tape. Regulations are out of date. Well, in fact, that is one of the very things that those committees did, was reviewed regulations and if there was something that was out of date and wasn't required to be there anymore, Mr. Deputy Speaker, they took it out.

* (11:40)

How much more sense can there be, and yet this government says no, no we don't need that committee. We're just going to, on our own, decide what's red tape and do away with it without ever realizing what effect it has on workers in a workplace, and that, Mr. Deputy Speaker, is shameful. How did mining go from being the worst employers in industry as far as accidents, injury, and death go? Well, they had—through no choice of their own, but forced on them—they had a very specific mine safety regulation. They had very specific rules in place that made sure that workplaces were safer than they used to be.

Those very rules and regulations were developed by joint committees that made sure that the latest protections were available to workers who were continually exposed to new hazards. Not just new hazards every five years, but new hazards every day. And sometimes it was the same old hazard, but there was new science that said there's a better way of doing it, there's a better way of protecting workers, and workers shouldn't have to wait every five years to do that.

Now, lest the members opposite think that I'm against the five-year review, they're absolutely incorrect because I do favour the overall review of those acts and regulations every five years, but I also fully support the minister's advisory committee that reviews those acts and regulations on a consistent, ongoing basis to make sure that those regulations offer the protection that they need for working people in this province.

This government has attacked working people since they came into power, and this is just one more

attack that should not be tolerated by people in this province because it's going to be their mothers and fathers, their sons and daughters that don't come home at the end of the day, that come home injured and sick.

We haven't even begun to talk about the occupational exposure limits, and we haven't begun to talk about the number of fatalities that occur because of asbestos exposure, because of multiple chemical exposure. We haven't talked about the ongoing reviews of things like stress at work, the ongoing reviews that should be taking place of shift work and the effects that has on workers. The science is progressing on so many of these hazards, almost on a daily basis, that merely waiting for a five-year review is not acceptable.

Deciding that the occupational exposure limits, as set by the American Conference of Governmental Industrial Hygienists, which are world-renowned experts in exposure limits to protect workers, deciding that, no, maybe we should do away with that because that costs employers money. Let's just have somebody in Manitoba decide what those should be or let's just wait five years to allow that exposure to make more workers sick and to cause more workers to die while we sit and do nothing, Mr. Deputy Speaker.

And I implore this government to look again at the important work that the minister's advisory committee did. I implore them to look yet again at the important work that the standing committee for the review of the regulation of mines. Look at that important work. Look at how we made this province—look at how we made industries in this province go from death and destruction to be workplaces that we could be proud of, workplaces that we're not afraid to send our kids to every day of the week.

Thank you.

Mr. Deputy Speaker: The honourable member's time is up.

Mr. Andrew Smith (Southdale): I'd like to rise in the Chamber to put some—few words on the record regarding this resolution. But first I would like—I think I'd be remiss if I didn't mention, of course, last night we saw the elimination of—unfortunately, of the Toronto Maple Leafs. So the Winnipeg Jets are now the only Canadian team in the NHL playoffs. So: Go Jets, go.

You know, I understand that the member—I remember during the question period for this resolution, the member from Tyndall Park, we asked, on this side of the House, a few questions, and there seems to be a theme here, and it was a bit concerning. There was—didn't seem like there was any consultations being done and no research being done.

And I guess that begs a question, then, how this member thinks that he can bring forward a resolution without his proper due diligence. Unfortunately, in this—in the Chamber here, we are expected to represent Manitobans and represent their best interest, and I don't think you can represent someone's best interest if you—first of all, if you don't talk to them, let alone do any research on what's best for the workers of Manitoba.

You know, it's interesting that I—you know, throughout my university years in—I did work for a number of jobs that were physical in nature. I did a lot of work in warehouses and I've been injured on the job before myself. And it, unfortunately, actually came to a WCB claim, and it wasn't the easiest process to go through.

Unfortunately, this whole process and rigmarole did occur under the NDP watch, and, you know, I didn't exactly get any help from either my—the union of the day or this government that—the previous government.

So, I—you know, it's interesting that the member brings this forward now when they're in opposition. They had 17 years to improve worker safety and they really didn't deliver any results. Maybe there were a lot of, like the Premier (Mr. Pallister) says, a lot of takeoffs but not a lot of effective landings.

And, unfortunately, now that we're in government, and in April of 2016 the skies went blue and our—the people of Manitoba soundly rejected the 17 years of debt, decay and decline that we saw under that previous administration.

And, Mr. Deputy Speaker, I think it would be interesting to question that member one more time and ask him why he believes that this will actually make workers safe. It's unfortunate that he wasn't even willing to answer the question. It was more of a deflection than an answer.

And I know, question period, sometimes that can happen. But when it's something so serious as worker safety, I think that the member should have taken a little bit more time to actually address the serious

concerns that are coming from the floor. You know, each one of us here are elected to represent our constituents and represent the public interest, safety being one of them. And I don't know that workers are very well served if there is no due diligence and proper consultations that went on for this legislation—or this resolution, for that matter.

But, you know, I would like to point out that earlier this year our government announced our shared commitment to achieving SAFE Work Certified status and our shared support for an industry-based safety program for self-insured employers. During this time, both the City of Winnipeg and the Province of Manitoba have expressed their support for an industry braced—industry-based safety program for self-insured employers, an important first step toward improving safety performance in the workplace.

And, by doing so, we will move closer to identifying gaps in workplace safety and health and supporting long-term approaches to reducing workplace injuries and illnesses, Mr. Deputy Speaker. And, see, that's the kind of consultative work and due process that should be going into improving safety, not, you know, great words on the record but, when it comes to actually delivering, spending 17 years of not being able to deliver. And that's a unfortunate track record, but I guess the track record will stand for itself.

We are also taking actions to better educate and prepare young workers for safety at work. Going forward, we're going to require anyone between the ages of 13 and 16 years old that wants to work to complete a work readiness course before they're eligible for employment.

Now, quite often, that would probably be for a lot of groups like Green Team and those types of landscaping jobs. I know I spent my youth landscaping every summer, and it was a very great process. I enjoyed learning about it. But, you know, Mr. Deputy Speaker, if the NDP were actually concerned about worker safety, you'd think they'd start at a younger age, and I think between the ages of 13 and 16 is a perfect age, you know, the teen age. But, unfortunately, I—we didn't see that. They had 17 years to deliver, and that never materialized.

* (11:50)

We've heard some of the doom and gloom from the members opposite that spoke, and I'm not too sure how doom and gloom really serves anyone's

interest, let alone the workers' interest. It's really not helpful, Madam—Mr. Deputy Speaker. It really does do a disservice to those who actually have been injured on the job.

And I would have expected that the member from Tyndall Park would have consulted with maybe even just individuals who have been injured on the job and talk to them, you know, recently people who have been recently injured, and find out and, you know, in 2018, 2017, 2016, 2015, you know, what it was like; what their experience was like after being injured; how the process worked; if they were part of a union or not; if that had any impact on it. But we didn't see that, and so I would have to, perhaps, maybe recommend to the member that going back to the drawing board and just, you know, starting from square one and actually doing these consultations.

I know his colleagues like to talk about consultations and, unfortunately, you kind of do as we say, not as we do, and that's a bit of a problem. On this side of the House I think that we do have some concerns in that respect.

You know, worker safety is utmost importance. I know from this—on this side of the House there's a variety of professional backgrounds and, of course, I know that we have a few business owners of course on this side of the House as well.

And I would be—I wouldn't in any way recommend that our—the business owners on this side have a nefarious agenda to work against employee safety. In fact, it's in their best interests to keep employees safe. It's a good—you know, safe employees are good employees. They work hard for you. You don't want to injure them or have them injured by accident.

And we always know that that's going to happen at some point. There's always going to be injuries. You can't have a completely one hundred per cent safe work environment, but at the same time we could—like to move towards a system that actually does serve not only—serve both the employers and employees so that we have a cohesive relationship between the two. I think that's—we do a disservice to everybody with—there's a—if there is a division at any point, and I think that it's important to talk to employers as well.

I know employers, they are the ones who ultimately are the ones in charge of their companies. They're the ones who are in charge of their human resources and they, of course, have some control, at

least, over what goes on in their warehouses or on the worksites. But I would think that the member would have taken some time to speak to some of them. I'm sure, given the amount of time this member's been an MLA, I'm sure he's been exposed to a number of employers and should surely be able to call a few up, even in his riding, that—and ask them what they thought about this proposed legislation, or this proposed resolution.

It would be nice to see having, you know, a concerted effort, everyone going in the same direction and looking for the ultimate goal of employee safety.

So, Mr. Deputy Speaker, I know my time is running short here, but I, again, I thank the member for his efforts on this, but I do think that there's some more consultation that needs to be done before we can actually go and move ahead with this resolution. If that were done, perhaps, I'd have a bit of a different thing to say about it, but I guess we see. If he does reintroduce this we'd like to see what the member has to say going forward.

So again, thank you for your time.

Ms. Cindy Lamoureux (Burrows): Workplace safety is an—is important today. It's as important as it's ever been. Over 300,000 people have been injured at work in Manitoba since 2008, and 307 of them have died.

While workplace safety has improved in many industries over the years, others have not. We still hear of incidents happening in the workplace that are completely preventable. Mining injuries, for example, have actually increased over the past 10 years. There needs to be proactive steps taken immediately to reduce these numbers.

This should already be obvious, but it is critically important to keep workers and employers safe and healthy. These are our people and we need to do whatever we can to protect them, their families, their friends and our economy. We have to do better for and by our workers.

Mr. Deputy Speaker, tomorrow people will gather at Union Centre and march back to Memorial Park to mourn and remember those workers killed or injured on the job. This will be followed by the groundbreaking for the Manitoba Workers Memorial. I encourage my colleagues to try and make it out.

Thank you.

Mr. Nic Curry (Kildonan): It's a pleasure to be here on behalf of the good people of Kildonan, wonderful community in the North End of Winnipeg, a historic community, and it's a pleasure to be able to represent them today here on this important matter of worker safety.

Now, again, it's no—I hope no mystery at this point that I formerly served in the military. Members, of course, know that the complex needs of the military, we sign unlimited liability. And so some of the things that are talked about in worker safety—as a soldier, we have to, say, be exposed for longer periods of time.

And, of course, we do this knowingly. It's quite the process of all the paperwork to sign. And, when I would train recruits, I would often tell them you signed for about a day worth of paperwork, are you sure you want to be here? And often, of course, the response is yes. The response was the dedication to the task at hand.

But it's something also—I'd come from a family where my grandfather started Curry Industries in the 1970s and my father's now a general manager of that company.

And when you have small family businesses—there was one period where we had more non-family employees than family employees, and were like, wow, Curry Industry's growing. And, well, it's often seasonal with some of our work, and so that was a brief high—brief exception for the norm.

But on exceptions, I do need to take a bit of exception. The member for Flin Flon (Mr. Lindsey) had cautioned that something could happen to our families, we need to be careful about that. I need to remind the member that he has no exclusive hold on family being harmed, that he is not the only one, maybe, who has known someone who has been injured.

My father will soon lose his eye. His eye was injured at the workplace and he currently has limited use. He's going to lose that eye one day, and that means that he never got to see his granddaughter with both eyes.

I know fully well the importance of worker safety. I know fully well getting a call at an odd time at night from my mom saying, your dad's in the hospital; he's okay, but he's not that okay.

We know on this side that worker safety is critical. It is important to all Manitobans that we cannot take this as something that is just us versus them. That is not the point of this. It was not my father against the accident that happened to him, that was perhaps due—that he certainly works himself more hours than he should. And, as a kid, I maybe was not happy with that because he'd be away working.

And now that I have a family and now that I have a job—well, and in the military, I worked certainly stranger hours—but now I have a job where—involuntary. We don't have to necessarily go to see many community events, we don't have to work hard on resolutions to build them, to bring them to the floor debate.

We could perhaps just sit on laurels and do nothing. But no, we work hard, we do extra hours. And I know that my father was working extra hours because he cared for his family. And I know that he—perhaps that accident could have been due to that. It could have been due to a numerous plethora of things. But it happened.

There's another comment that was made that we shouldn't have to learn from these mistakes, the—we should predict them. Well, wait a minute. Yes, there are disruptive technologies, there are things that are going to affect how we're going to be able to react to them.

But we must learn from these mistakes. And my father has learned from those mistakes. And we have made changes to Curry Industries. It is a safer workplace now. I do not—I'm not glad that he lost his eye for that, but it is safer for everyone, especially those that we don't know, because we work with many programs where we have people coming out of the corrections system who have trouble finding work. And my father knows that those people are good workers. Often they get looked down upon because they were in prison. And they still get work at Curry Industries.

Now, again, unfortunately, much of our work, sometimes it's seasonal and we wish we could keep them longer. And perhaps the industry will grow much more as we develop it. But it is something that—my father's not against those people we employ and he does not have some better safety because suddenly he had said, well, this is a new technology developed. No, no. A mistake was made, however—or an accident, whatever we want to declare it as. An injury happened. A permanent injury has happened, and the workplace is better now.

Now, there is some talk of this advisory council. I don't know how that council could have saved his eye. It couldn't have. These things will happen. There are things out of our control that will happen in workplaces, and we must learn from these mistakes. We must reach out. We must do more than simply bring a resolution, say this is self evident. No, let's have those conversations about this. We'll continue to work hard to make sure we can improve workplaces between employer and employee.

It is not an us versus them, it is an us with them. It is an entire society who're trying to produce things so we can send them to farms here in Manitoba, send them to places in Europe. We can be the bastion of production. We can be the bastion that grows the economy.

We know that Roquette is opening up, hundreds of millions of dollars to the 'ministration'. We know that Simplot is opening, hundreds of millions dollars—

Mr. Deputy Speaker: Order.

When this matter is again before the House, the honourable member for Kildonan (Mr. Curry) will have five remaining minutes.

The hour being 12 p.m., the House is recessed and stands recessed until 1.30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, April 26, 2018

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