Fourth Session – Forty-Second Legislature

of the

Legislative Assembly of Manitoba

Standing Committee on Justice

Chairperson
Mr. Len Isleifson
Constituency of Brandon East

Vol. LXXVI No. 4 - 6 p.m., Monday, May 16, 2022

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

Member	Constituency	Political Affiliation
ALTOMARE, Nello	Transcona	NDP
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BRAR, Diljeet	Burrows	NDP
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GOERTZEN, Kelvin, Hon.	Steinbach	PC
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KHAN, Obby	Fort Whyte	PC
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LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan, Hon.	Selkirk	PC
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SMITH, Bernadette	Point Douglas	NDP
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WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC
Vacant	Thompson	

LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON JUSTICE

Monday, May 16, 2022

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Len Isleifson (Brandon East)

VICE-CHAIRPERSON – Mr. Josh Guenter (Borderland)

ATTENDANCE – 6 QUORUM – 4

Members of the committee present:

Hon. Messrs. Goertzen, Helwer

Ms. Fontaine, Messrs. Guenter, Isleifson, Wiebe

APPEARING:

Hon. Jon Gerrard, MLA for River Heights
Hon. Doyle Piwniuk, Minister of Transportation and Infrastructure

PUBLIC PRESENTERS:

Bill 2–The Public Services Sustainability Repeal Act

Kevin Rebeck, Manitoba Federation of Labour
Kyle Ross, Manitoba Government and General Employees' Union
Darlene Jackson, Manitoba Nurses Union
Jennifer Carr, Professional Institute of the Public Service of Canada
Pierre Ouellet, Professional Institute of the Public Service of Canada (by leave)
Paul McKie, Unifor
Jeff Traeger, United Food and Commercial Workers, Local 832
Jason Hawkins, private citizen
Erik Thomson, University of Manitoba Faculty Association
Gina McKay, Canadian Union of Public Employees, Manitoba

Bill 8–The Court of Appeal Amendment and Provincial Court Amendment Act

Susan Dawes, Provincial Judges Association of Manitoba
Ian Scarth, Manitoba Bar Association
Lisa LaBossiere, Criminal Defence Lawyers Association of Manitoba

Bill 17–The Family Law Act, The Family Support Enforcement Act and The Inter-jurisdictional Support Orders Amendment Act

Lawrence Pinsky, Family Arbitration and Mediation Legal Institute

WRITTEN SUBMISSIONS:

Bill 2–The Public Services Sustainability Repeal Act

James Bedford, Manitoba Teachers' Society
Bob Moroz, Manitoba Association of Health Care Professionals

Bill 8–The Court of Appeal Amendment and Provincial Court Amendment Act

Monique St. Germain, Canadian Centre for Child Protection

MATTERS UNDER CONSIDERATION:

Bill 2–The Public Services Sustainability Repeal Act

Bill 8–The Court of Appeal Amendment and Provincial Court Amendment Act

Bill 15–The Drivers and Vehicles Amendment and Highway Traffic Amendment Act

Bill 17–The Family Law Act, The Family Support Enforcement Act and The Inter-jurisdictional Support Orders Amendment Act

Bill 21–The Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act

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Clerk Assistant (Ms. Katerina Tefft): Good evening. Will the Standing Committee on Justice please come to order.

Before the committee can proceed with the business before it, it must elect a new Chairperson. Are there any nominations?

Mr. Josh Guenter (Borderland): I nominate Mr. Isleifson.

Clerk Assistant: Mr. Isleifson has been nominated for Chairperson.

Are there any other nominations?

Seeing none, Mr. Isleifson, will you please take the Chair.

Mr. Chairperson: Good evening everyone, and our next item of business is the election of a Vice-Chairperson.

Are there any nominations?

Hon. Reg Helwer (Minister of Labour, Consumer Protection and Government Services): I nominate Mr. Guenter.

Mr. Chairperson: Mr. Guenter has been nominated.

Any other nominations?

Hearing no other nominations, Mr. Guenter is elected Vice-Chairperson.

So, tonight's meeting has been called to consider the following bills: Bill 2, The Public Services Sustainability Repeal Act; Bill 8, The Court of Appeal Amendment and Provincial Court Amendment Act; Bill 15, the drivers and vehicles amendment and highway 'trackiv' amendment act; Bill 17, The Family Law Act, The Family Support Enforcement Act and The Inter-jurisdictional Support Orders Amendment Act; and Bill 21, The Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act.

I would like to start by informing all in attendance of the provisions in our rules regarding the hours of adjournment. A standing committee meeting to consider a bill must not sit past midnight to hear public presentations or to consider clause-by-clause of a bill except by unanimous consent of the committee.

As for–written submissions from the following persons have been received and distributed to committee members: James Bedford, the Manitoba Teachers' Society on Bill 2; and Monique St. Germain, the Canadian Centre for Child Protection on Bill 8.

Does the committee agree to have this document appear in the Hansard transcript of this meeting? *[Agreed]*

So, prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in a committee. In accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allotted for questions from committee members.

If a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first must say the person's name. This is a signal to Hansard recorders to turn the mics on and off.

On the topic of determining the order of public presentations, I will note that we do have out-of-town presenters in attendance and they are marked with an asterisk on your list.

With these considerations in mind, in what order does the committee wish to hear presentations?

Mr. Matt Wiebe (Concordia): I'd recommend, as is our normal practice, to allow for those out-of-town presenters to go first. I guess that would just apply though to those out-of-town presenters that are in attendance here tonight, Maybe I'll get some clarification, but I'll make that motion.

Mr. Chairperson: Okay. If it is the will of the committee to go with the out-of-town presenters who are in person, then we can certainly do so, if that is what you're proposing.

Okay, are there anything else?

Is that agreed? *[Agreed]*

Okay, thank you for your patience. Agreed.

And so, we will now proceed with our public presentations.

Bill 2–The Public Services Sustainability Repeal Act

Mr. Chairperson: Okay, so I will now call on Mr. Kevin Rebeck from the Manitoba Federation of Labour.

So, as your report is going out, I will now call on Mr. Rebeck. Start your presentation, sir.

Kevin Rebeck (Manitoba Federation of Labour): It's nice to be in person. It's been a while.

The Manitoba Federation of Labour, the MFL, is Manitoba's central labour body, representing some 30 affiliated unions and the interests of more than 125,000 unionized workers.

Manitoba's unions have stood in opposition to The Public Services Sustainability Act, the PSSA, since it was first introduced as bill 28 in the spring of 2017. Since your government was elected, we were clear with you that Manitoba could balance the budget, along with your government's stated eight-year timeline, without interfering in the collective bargaining process and unilaterally freezing the wages of over 120,000 dedicated and hardworking Manitobans. We were clear with Brian Pallister and the rest of you from day one that this law should be repealed or, better yet, that it should never have been introduced in the first place.

So I'm not here tonight to praise you for being late to the game at a time when Manitobans are working hard but finding it harder and harder to get ahead. You've deliberately stood in the way of public sector workers as they tried to bargain fair contracts with their employers. These are people who have to feed their kids, pay their rent or mortgage, pay taxes and spend money in the local economy, just like any other Manitoban.

I know your government's looking to get some credit for taking steps to repeal a law that should never have been passed in the first place, a law that each and every member of the PC caucus voted for, including Premier Stefanson.

The fact is, your government's decisions have hurt working families. You've hurt the public services that we all rely on and you've made a mess of the collective bargaining process in the public sector. You–all of you–unilaterally froze the wages of nurses, pandemics–paramedics, health-care aides, teachers, school bus drivers, school custodians, group-home staff, social workers, snowplow drivers, construction workers, plumbers, electricians and many others.

The PSSA has negatively impacted 120,000 working families, people who work hard every day to deliver the public services that we all count on, and it continues to harm workers even now, at a time when working families are seeing sharp increases at the pumps, at the grocery stores and in the price of basically everything else we need to live, work and raise a family.

To protect the right to collective bargaining in July of 2017, a coalition of Manitoba's unions with members who work in the public services impacted by the PSSA joined together to form the Partnership to Defend Public Services and challenge the PSSA in court. While the Manitoba Court of Queen's Bench ruled in 2020 that the PSSA was unconstitutional, calling the law draconian, the Manitoba Court of Appeal overturned that decision in 2021.

Through the strength and solidarity of working people, since our initial victory at the Court of Queen's Bench Manitoba's unions have been able to settle over 80 collective agreements above the terms of the PSSA through a combination of strikes, binding arbitrations and negotiations.

But even today, five years later, tens of thousands of public sector workers are working under expired contracts because of the mess that this law and your government have caused to the collective bargaining process in our province. There are the people who provide this–these are the people who provide the services that Manitoba families count on every day. They are people who we relied on through the COVID-19 pandemic, who you all said were heroes, and yet while you were publicly calling them heroes, you froze their wages and ripped up their right to collectively bargain fair contracts with their employers. We all know that actions speak louder than words, and you failed to actually stand up and support working families in the province.

* (18:10)

In previous decisions, the Supreme Court of Canada has said that the right to collective bargaining is protected under the Charter of Rights and Freedoms. As we have said all along, the right to collective bargaining is the right to a process, not to the outcome of an agreement, and that's fine because bargaining is what we do. We believe in it, and we know it works when the process is fair.

And collective bargaining works for several reasons. First, it requires workers to come together and prioritize things such as benefits, safer working conditions, fair wages, retirement plans, and then negotiate their narrowed-down list with their employer. Second, collective bargaining requires compromise. Just as employers don't want to see their operations halted, workers don't want to see the services they provide affected or the paycheques their families rely on disappear. Lastly, the process provides stability for workers and employers through the life of the contract.

All along, we said we want this law off the books and for government to get out of the way and let workers and employers bargain, because it's a process that works when it's allowed to work free from government interference.

As you know, the Partnership to Defend Public Services has asked the Supreme Court to give us an opportunity to hear our appeal of the Manitoba Court of Appeal decision, as there are important matters of law regarding the Charter rights of workers to collective bargaining still to be settled. As Manitoba's Court of Queen's Bench and Court of Appeal issued drastically different rulings, we believe it's essential to have the laws made clear for everyone by the Supreme Court.

If you're actually interested in anything other than following in Brian Pallister's footsteps, to repair the damage you've done you need to do a whole lot more than just repeal the law. If the Stefanson government is serious about wanting to reset the relationship with workers and unions, you need to do two important things immediately.

First, stop interfering in public sector bargaining, both through this law and through micromanaging what employers can bargain through restrictive mandates. It's shameful that tens of thousands of workers have been without a contract for years because of this government. Second, withdraw your opposition to the PDPS application to have the Supreme Court consider the constitutionality of your government's wage freeze legislation. Let the highest court in the country decide if this law is unconstitutional or not. You can't pretend that repealing this is about resetting the relationship while you're also trying to prevent the Supreme Court from hearing our case.

The COVID-19 pandemic has only highlighted how important public sector workers and the services they provide are, and they are important to all of us. While your government has been calling these workers heroes, you haven't been treating them with respect. Costs are going up across the board these days, and it's getting harder for working families to keep up. You should be investing in the public services that keep life affordable and the public sector workers that we all count on.

We know that collective bargaining works when it's fair; it's a tried and tested process that allows workers and employers to reach fair deals that make sense for both sides. But it only works if government allows it to happen freely and fairly. We urge you to get out of the way of the collective bargaining process in the public sector. Let the people who know their workplaces best come together and hammer out fair deals that both sides can live with.

The PSSA should never have been introduced in the first place. Simply repealing it now will not undo all the damage you've caused to working families in our province. In order to start making a difference in the lives of working people, you need to take concrete and meaningful steps like the one I outlined tonight. It's time for government to start working for working families.

Thank you.

Mr. Chairperson: And I thank you very much for your presentation.

Do members of the committee have questions for the presenters?

Hon. Reg Helwer (Minister of Labour, Consumer Protection and Government Services): Thank you, Mr. Rebeck, for your presentation.

Mr. Chairperson: I believe we lost your audio, Mr. Helwer. Try that.

Mr. Helwer: All right, we'll try that again. So, sorry about that.

Mr. Chairperson: Mr. Helwer, go ahead.

Mr. Helwer: So thank you, Mr. Rebeck. So thanks for your presentation and good words. As you know, we're repealing this piece of legislation, and we feel it's time to move on.

K. Rebeck: Well, I'm glad it's being repealed, but there is more that needs to be done. As I've laid out, that there are still tens of thousands of workers who've been without a contract since this whole process started, and government has impeded collective bargaining along the way.

Repealing this bill is a good first step, but it needs to be followed very quickly with getting out of the way and letting collective bargaining happen, and I'm hopeful that you and other members of your caucus will support that and make that a reality.

Mr. Matt Wiebe (Concordia): Well, thank you, Mr. Rebeck, for coming here tonight. I know that you, personally, but the MFL in general and labour across the board have been incredibly active in standing up against this kind of legislation, as you said, taking it all the way to court and fighting on behalf of all working people in Manitoba.

You know, obviously, here we are now with Bill 2, a very thin, very simply–bill, just simply repealing this bad legislation that the government had put forward.

Why did you feel it was necessary for you to come here tonight to give even more time to this process? What are some of the messages that you want to send to working people about what they can do and what we all need to do to ensure that this kind of thing doesn't come before the Legislature again?

K. Rebeck: Thank you for that.

Yes, I did feel it was incredibly important to come and speak to this bill. It is repealing the law. That's something we've asked for all along, but that quite simply isn't enough to make the real difference that can undo the damage that even introducing this law has caused.

We've been through court–Queen's Bench and the Court of Appeal now. We've gotten two radically different rulings. We believe it needs to be heard at the Supreme Court, and this government's not supporting that call to the Supreme Court for them to hear this case and to give some real answers for what the rules of engagement are when it comes to collective bargaining.

We think collective bargaining is a very fair process; it even has rules for when things break down and sides can't come to an agreement, how we move forward and get an agreement. No one wants to have strikes or lockouts. People want to have a deal and people can reach them, but not if government's interfering in the way that this government has.

We've had an individual case with the University of Manitoba where we knew this government illegally interfered in the bargaining process very clearly and was proven in court, and we worry there's been too much of that kind of interference that has impeded working families being able to get collective agreements and deals. And so many are working under expired contracts; it's hugely problematic, so I thought it was important to come and deliver that message today.

Ms. Nahanni Fontaine (St. Johns): Miigwech, Mr. Rebeck, for being here tonight, and to present to the committee.

I don't really have a question; it's more of a comment and a reflection on your presentation. I think that it is so important for citizens, for Manitobans to come forward and to share how damaging this piece of legislation has been. And you did so in your presentation when you said 120,000 Manitobans were impacted by this piece of legislation that each and every one of these members sitting here celebrated, were so excited about. And now we have a minister who wants to forget about all of that history, all of the damage that they've done to Manitobans. And his line is that it's time to move on.

And so I hope that the members here tonight–I would welcome the members that are participating from the PC caucus to, you know, clip your comments, show it in caucus so that each and every one of them here, and in their whole caucus, knows how damaging this legislation is, and that they should be ashamed of themselves.

Miigwech.

K. Rebeck: Thank you.

Yes, we're just–we still have members today–far too many–that are sitting there, waiting for answers at the bargaining table, that have fallen further and further behind as inflation and costs have gone up. The same people that we've called and this government has called heroes, but they sure haven't treated them like that.

And we do hope that it's more than just repealing this law; that government takes concrete steps and takes action to show that they're prepared to let bargaining happen freely, fairly and let the experts–workers and employers–negotiate the deals that are fair.

Mr. Chairperson: Thank you, and we thank you for your comments, and we've run out of time, so thank you again for your presentation this evening.

So, going down our list, this is going to be a little complicated, based on the move that was placed for it. I have the list of out-of-town presenters in front of me, but I'm not sure if any more are in the room.

Do we have any more out-of-town presenters in the room?

So, seeing none, we will just continue down our list, then.

We have Mr. Kyle Ross from the Manitoba Government and General Employees' Union.

Mr. Ross, if you could turn your camera on. So, Mr. Ross?

***** (18:20)

I understand he is on, so we'll just wait until we can see the camera. There we go.

Thank you and good evening, Mr. Ross, and the floor is yours. Please proceed with your presentation.

Kyle Ross (Manitoba Government and General Employees' Union): Good evening, Chairperson, honourable members. My name is Kyle Ross, president of the Manitoba Government and General Employees' Union. Thank you for the opportunity to speak to the bill tonight.

The MGEU represents 32,000 working Manitobans who live and work throughout Manitoba in a wide variety of workplaces, including employment–employed directly by the Province of Manitoba, Crown corporations, universities and colleges, healthcare facilities, social service agencies, and arts and culture organizations.

The vast majority of our members have been impacted by the restrictive measures imposed by bill 28, The Public Services Sustainability Act, and they continue to deal with the fallout to this date. We strongly opposed this regressive anti-worker legislation when it was introduced in 2017 and we continue to call for the free and fair collective bargaining.

The reality is that thousands of workers continue to work with expired contracts as a direct result of delays in the collecting bargaining process. Thousands more were forced through agonizing protracted negotiations and accepted contracts under duress. The public service, the dedicated workers who supported the COVID pandemic response in public health, statisticians who tracked the virus, sheriff's officers, conservation officers and highway workers clearing snow on our roads have all been disrespected through the process.

What our members want is respect and meaningful investments in the services that Manitobans rely on, because public services are only as strong as those delivering them. The consequences of bill 28 have become a wave of recruitment and retention issues that are impacting the quality of service that Manitobans rely on, as wage rates fall further behind and–rapidly rising cost of living.

Senior public servants with years of experience are choosing to retire, as no improvements to wages or working conditions are on the horizon, leaving with valuable institutional knowledge and experience. MGEU members continue to report that they are doing more with less, often working the jobs of two and three people as budgets are further constrained and vacancies go unfilled as the demand for services grow.

Bill 28 had a large role to play in this erosion of these services. We strongly agree with the repeal of this legislated attack on bargaining rights, but the irreparable harm that this legislation has had on our members cannot be minimized.

As a first step, we call on your government to fully restore productive and meaningful collective bargaining. I'm not here to tell you that negotiations are easy. They aren't. Difficult choices need to be made on both sides of the table, but the compromises that are reached and these agreements that are signed provide stability for the employer and for workers. Collective bargaining works.

Secondly, we call on your government to not oppose the application to have the Supreme Court consider the constitutionality of your government's wage freeze legislation. We want the courts to rule on this–on the constitutionality of the bill 28.

There is lots of work to do since Premier Stefanson has been sworn in. We have heard some encouraging signals to reset the relationship your government has with workers. We want to do that too. But trust is something that takes time to build, and we are committed to doing the work through fair collective bargaining and any other table we are invited to. We urge you to forge a new path, a different approach that works for working families.

Thank you for your time.

Mr. Chairperson: And I thank you, Mr. Ross, for your comments.

The floor is open for questions for committee members.

Mr. Helwer: Thank you, Mr. Ross, for your presentation. Good to see you again, even if it is virtually, and that we appreciate your comments. And, yes, it does, indeed, take time to build trust, and that's where we're working on these days.

Thank you.

K. Ross: Thank you, Honourable Mr. Helwer.

I think we have lots of work to do, and I think our members have been impacted by this legislation and I really hope you guys can see in your way to not oppose us at the Supreme Court. Our members have felt the pain of this and I really appreciate you guys taking time to listen.

Mr. Wiebe: Well, thank you very much, Mr. Ross, for coming to committee virtually here this evening. I think it's incredibly important to hear from you, as you represent so many working people in this province

and, as you've outlined, so many folks that have been impacted to such a high degree.

I'm just wondering if you could just, you know, give us a snapshot of how this bill, how bill 28 continues to impact your members, you know, especially considering, I guess, you know, the impacts of inflation and cost of living increases that we've seen. How is it that the legislation that was brought forward in the past, how does that continue to affect your members even today?

K. Ross: Well, this legislation chilled all the tables for bargaining, so which–without bargaining or continued ongoing bargaining, some contracts are out of date four years. So we have members working on wages from four years ago with the cost of inflation continuing to rise. So they've really seen their buying power and their ability to enjoy life decrease. It's been very challenging for them, and this legislation was a big piece of that, and it was–really caused our members to suffer where we just want to get to the table and bargain and get to a good deal where both sides can have some stability and move forward.

Mr. Chairperson: Thank you.

Hon. Jon Gerrard (River Heights): Thank you, Kyle, for your presentation, which was very good.

You have talked about this former legislation or the legislation that's being repealed as causing waves of resignations, retirements, and I just wondered if you had any estimates of how many people have resigned or retired. And also, we heard a few minutes ago about a lot of workers still with expired contracts. Do you have workers with expired contracts in your union?

K. Ross: Thank you for the question. Yes, we have many with–workers with expired contracts, and we have seen our civil service members shrink by close to 3,000 members. So we have many members doing the jobs of two and three people in the civil service. It's been largely due to the stagnant wages, where there's opportunities to go elsewhere, and these are great people that do great work, and it's very challenging for them, and they care about what they do. So when they try to do this work and they're killing themselves, basically, to get this work done, because it needs to be done, because they want to do well for Manitobans, it's very challenging for our members. So thank you for the question.

Mr. Chairperson: Are there any further questions?

Hearing none, Mr. Ross, thank you very much for your presentation this evening.

Next, we'll move on to Ms. Darlene Jackson from the Manitoba Nurses Union.

Can I get you to turn your camera on, and we'll proceed when you're ready.

Welcome, Ms. Jackson. The floor is yours.

Darlene Jackson (Manitoba Nurses Union): First, let me extend my thanks to the committee chairperson and committee members for allowing me the opportunity to speak to you today on Bill 2, The Public Services Sustainability Repeal Act.

Speaking as a president of the Manitoba Nurses Union, I can definitively say that this bill, which repeals The Public Services Sustainability Act, PSSA, is a step in the right direction. That said, it will take more than a repeal of the PSSA to repair the damage done by it to the relationship between public sector workers, like nurses, and this government.

The decision of the PC government to pass the PSSA early in their tenure clearly signalled to public sector workers that the new government viewed them as nothing more than a cost to be controlled in their dogged pursuit of a balanced budget. It signalled that the government did not care how much service or dedication these employees demonstrated, they were simply a burden on the government's books. It also showed that they were willing to essentially cut real wages for these workers by way of imposing arbitrary wage freezes disconnected from, and showing no regard for, the effects of inflation.

The MNU, whose members were expecting, at the time, to bargain new contracts to replace the ones that had expired on March 31st, 2017, were sideswiped by the passage of the PSSA. In an effort to defend our members against a bill that violated their Charter rights, we joined with other unions in a partnership to defend public services. With that, a long, legal battle began, one that had yet to–one that has yet to conclude and which does not simply end with the repeal of PSSA.

Let me be clear. I am here today to support passage of the bill which will repeal the PSSA. However, I am also here to say that if the government wishes to build a more positive relationship with nurses and other public sector workers and begin to repair the substantial damage created by the PSSA, they must also show us they are willing to let the highest court of our land make a final determination

on the constitutionality of the PSSA. To simply repeal it without also supporting the objective of a final ruling that will provide clarity on the ability of governments to pass such laws will leave a wound to that relationship.

***** (18:30)

Nurses want to know if this can ever happen again. All unionized public sector workers deserve some closure on this issue. Such closure should only come from a final ruling from the highest court in the land. The psychological and financial toll of the PSSA saga has been high on all parties involved and needs to come to a definitive conclusion.

For the MNU, the PSSA, along with the HSBURA–representation votes and government restructuring of health care, set off a drawn-out, multi-year battle for a new collective agreement and led to unnecessarily complicated and lengthy negotiations. The effect of the PSSA was having on health-care employers' approach to bargaining was undeniable, despite the bill never been proclaimed. Once passed, employers knew they were expected by the government to freeze and drastically minimize any wage increases in the new collective agreements going forward.

The legal challenge surrounding the bill was undoubtedly a factor in why it took employer–health-care employers so long to finally come to the table and began negotiating in October 2020 with Manitoba nurses who had been without a collective agreement for 3.5 years at this time. In fact, we had to threaten to file an unfair labour practice just to get the employers to commit to sit down with us and truly begin negotiating in October 2020.

Of course, that's not the end of the saga. After reaching an impasse in spring of 2021, we ended up having to strike an agreement to bring a mediator on board for the remainder of the negotiations and to secure a right to arbitration were the mediation to fail. In order to get a mediator and a commitment to arbitration, it became necessary–our members had to relinquish their right to strike during this round of bargaining. And I'd like to point out they had overwhelmingly voted to strike before this agreement for mediation and arbitration was made. Nurses had voted that way not because they wanted to go on strike, because–but because that was the only way to get government to seriously bargain with them and re-evaluate its unacceptable position.

By the time the Manitoba Nurses Union got an agreement, they *[inaudible]*. The employers had massive retroactive calculations and payments to make. Nurses who were already exhausted from their tireless service during the ongoing COVID pandemic only got this agreement after extreme frustration and 'inordirate' amounts of time and resources dedicated to bargaining and mediation.

Can you imagine how it must feel to be working harder than ever before, providing a critical service during an exceptionally difficult time, facing the prospect of contracting COVID or carrying it home to your loved ones, and then having to fight that hard to get the government to recognize your value in some tangible way? I can assure you, it leaves a bad taste in one's mouth.

That is why I urge you today to pass this bill, but, furthermore, as a real sign of a willingness to repair the relationship with nurses and other public sector workers, I urge you to support a hearing on the legality of the PSSA by the Supreme Court of Canada. Manitoba nurses know that repealing the bill today does not prevent this government or a future government from introducing the same or similar legislation at some later point in time. Manitoba nurses should not have to continue to worry about this possibility. We deserve closure. Supporting our request for the Supreme Court to rule on this bill, should they choose to, is the path for this closure.

Thank you.

Mr. Chairperson: And we thank you for your presentation.

The floor is now open for questions.

Mr. Helwer: Thank you, Ms. Jackson, for your presentation.

And I certainly agree this is a step in the right direction. We have many steps to take, and again, thank you to your members for all the work that they've done during the pandemic and continue to do as we move ahead, here.

D. Jackson: I appreciate those words, Mr. Helwer, but I couldn't urge you more to allow the full process to continue at the Supreme Court.

Mr. Wiebe: Thank you so much, Ms. Jackson, for your presentation here today.

You know, we've certainly, as elected MLAs, hear day in and day out from nurses in our own communities who are, you know, frustrated, feel

completely burnt out and overworked. And, you know–to add to that list of frustrations that they have with the mismanagement within the health-care system and the disrespect that they've felt from this government–on top of all of that, of course, they've had to deal with this ultimate disrespect when it comes to the bargaining process. So, I appreciate you bringing that forward here.

Obviously, it is a–still a difficult time for nurses in our health-care system. Can you talk about what impact this–you know, this uncertainty that's been created by the government has had in terms of the number of overall nurses who are still in the system versus, you know, those who maybe have just decided enough is enough and taken retirement, taken positions elsewhere and just said they've had enough with the situation in Manitoba?

Can you give me a sense of what the impact has been because of legislation like this?

D. Jackson: Yes, I can. Thank you for the question, Mr. Wiebe.

I can tell you that this bill, and the lengthy, protracted negotiations and the four and half years without a collective agreement had a huge impact on Manitoba nurses. We saw a mass exodus of nurses who left the system probably working harder than they ever had before, and felt they were not valued, they were not acknowledged and not respected at all by this government.

So we now have, we know, more than 2,500 vacant nursing positions in this province. We do know that we, in the province of Manitoba, almost hit a million hours of overtime last year–992,000 hours of overtime. And we know that our agency nurse use has skyrocketed to over 505,000 hours.

So this has had a massive impact on nurses, and I believe that it's going to continue to have an impact until we can actually retain and recruit nurses in this system.

Mr. Chairperson: Thank you.

Any further questions?

Mr. Gerrard: We've got, as you have already mentioned, a real shortage of nurses at the moment, more than two and half thousand. There was impacts from a lot of things.

What proportion of that impact do you think came from this bill, and as a result of this bill? Was that a major factor in so many nurses leaving?

D. Jackson: I think it definitely was a major factor. We had had many, many nurses who were basically hanging on to see–you know, to look at the new collective agreement and, based on its merit, make decisions. And what happened was, after four and half years, we just had nurses saying, I can't work in this system any longer. I cannot do this and I can't wait for a new collective agreement.

So, our question is, is had we been able to negotiate a collective agreement and had there not been bill 28 looming above the employers' heads, would we have managed to retain nurses in the system with a good collective agreement? Yes, I believe we would've.

Mr. Chairperson: Any further questions?

Hearing none, thank you very much for your presentation.

We'll now move on to our fourth presenter, Ms. Jennifer Carr, president of the professional institute of the public service Canada.

Ms. Carr, I'd just ask you to turn on your video when you're ready.

Ms. Carr, welcome, and you can start your presentation.

Jennifer Carr (Professional Institute of the Public Service of Canada): Thank you, honourable committee members. My name is Jennifer Carr and I'm the president of the Professional Institute of the Public Service of Canada. With me is Mr. Pierre Ouellet, our negotiator for PIPSC provincial members and a labour relations specialist who can help answer your questions today. We thank you for the 'opportunitity' present in this important discussion.

* (18:40)

PIPSC is the bargaining agent for some 60,000 public service professionals across the country, the majority of whom are employed in the federal government, but we also represent over 150 members of the province of Manitoba Association of Government Engineers, otherwise known as the MAGE group. Until recently, we also represented many health-care professionals in the province, who are now represented by another union, following the forced amalgamation of provincial bargaining units. So we've always kept a close eye on the labour situation in Manitoba.

Back in 2017, like other provincial public sector bargaining agents, we were totally against The Public

Services Sustainability Act that was introduced by the government of the day. Bill 28 was nevertheless imposed on hundreds of thousands of hard-working public servants.

Provincial and federal governments in Canada have had a long and controversial history of resorting to legislation to impose wage restraints on their employees and to restrict their collective bargaining rights. Bill 28 was a particularly nasty example of this sort of legislation. In our view, it violated both the Canada–Canadian Charter of Rights and Freedoms and Canada's international obligations without reasonable justification.

So while we are pleased that it is on the road to being repealed, it is critical that, going forward, no government in Canada should be able to use legislation to interfere in the process of meaningful collective bargaining and infringe on the association of freedom, as protected by the Charter, S2(d). Let's not forget that the Supreme Court of Canada has made it clear that the process of collective bargaining is protected by the Charter. I know that the provincial government doesn't want to move this through the courts. It says that the act will be repealed, so why bother?

But, in fact, it is absolutely critical that the issue be resolved once and for all. Public sector workers and Canadians need to know the constitutional ground rules of collective bargaining. Our government's at liberty to enact wage-freeze legislation at any time to obtain monetary outcomes they desire without engaging in a collective bargaining process. Can they avoid Charter scrutiny by withdrawing the legislation at the eleventh hour? These are the questions of public importance that ought to be answered by the Supreme Court of Canada, and we fully support the Manitoba Federation of Labour's action on this front.

Dedicated public servants have continued to deliver public services to 'Manitobians'–Manitobans, and Manitobans counted on these services throughout the COVID-19 pandemic. This has only highlighted how important these workers and these services they provide are to all of us. While the government has been calling them heroes, they haven't been treated with respect by their employer.

Civil servants have already done their share. Last year, when they were faced with the possibility of layoffs, they all agreed to take five days of leave without pay to support the government in the pandemic context. They have already and largely contributed to assisting it in these matters. They deserve better treatment.

So, to conclude, we urge the provincial government to stop interfering in public sector bargaining. Tens of thousands of workers have been without a contract for years and it's high time to get them signed deals. And the government must make it a clear and genuine commitment not to oppose the partnership to defund public service application to have the Supreme Court consider the constitutionality of its wage-freeze legislation. Let the highest court in the country decide if this law was unconstitutional or not.

I thank you very much for your time today and we would pleased to take your questions.

Mr. Chairperson: Okay, and we thank you very much for your presentation.

Now, before we proceed with questions and answers with Ms. Carr, we have received a request that her colleague, a negotiator Pierre Ouellet, be permitted to help Ms. Carr answer questions if necessary as a technical advisor.

Is there leave to allow Mr. Ouellet to speak on the record as Ms. Carr's technical advisor, if necessary? *[Agreed]*

The floor is open for questions.

Mr. Helwer: Thank you, Ms. Carr, for your presentation.

As you stated so eloquently throughout the presentation, we are trying to move on and this is one step in that process. We understand there are many, many more.

And thank you for your representation at the Manitoba Association of Government Engineers; I believe MAGE, I believe, is the acronym there.

Thank you.

J. Carr: I thank you again for your comments.

I would hope that this government will allow us to continue with the application or the–to the Supreme Court so that we can have this matter finalized once and for all.

Mr. Chairperson: Thank you.

Mr. Wiebe: Well, thank you very much, Mr. Chair, Ms. Carr, for your presentation here this evening. It's incredibly important that we hear from all voices who have been impacted by the PSSA and the impacts that

it's had on your individual members, so we really appreciate you taking the time to join us here this evening.

My question is with regards to the case that's before the Supreme Court. And, can you just talk about how important a step it would be for the government, you know, even here tonight when, you know, we have the minister saying he wants to move on and wants to rebuild the relationship?

How important would it be for him to say here tonight that the government would not be pursuing this at the Supreme Court, and maybe could you just, maybe, speculate why the government hasn't been willing to do that to this point?

J. Carr: Thank you for the question.

I think I summarized it in my presentation; it's the fact that, if the governments are allowed to put forward legislation to effect collective bargaining while we're at the table and then withdraw them at the eleventh hour, it's just a tactic that paralyzes us at the bargaining table.

I think it's important that this government commit to just saying that it won't interfere with the leave to the Supreme Court because, like I said, it is important for this to be decided from the highest court in the land. You know, we are fighting this on many levels, and we think that it's important that we have the day in court to make sure that, you know, this type of legislation can't interfere with collective bargaining of public servants in the future.

Mr. Chairperson: Thank you.

Mr. Gerrard: Thank you for your presentation.

We've heard about the number of people in the public service who have resigned and retired, but it seems to me, from what I'm hearing, that there was quite an impact not just on people leaving, but there was an impact on those who stayed in terms of morale, in terms of mental health or wellness and in terms of productivity.

I wonder if you could comment on that?

J. Carr: I will let Pierre take that question.

Pierre Ouellet (Professional Institute of the Public Service of Canada): The–to put just a little context around this, the MAGE collective agreement expired back in 2019, and it's just–and we're in the process of signing the new collective agreement. It took a number of years just to get things going, and members were faced with possible layoffs and then the five-day leave without pay. And all this we received from the government, an offer of four years–a four-year contract at zero, you know, per cent per year.

So, the impact on the members? I mean, you have no idea how committed and dedicated this group is to the province of Manitoba and to the population of Manitoba. Going through all this, staying where they are at the moment and still being very proud of being a MAGE member; it's just absolutely stunning, because I would have expected many people to just leave, but no–they insisted to stay and be a part of the solutions and not the problems.

So, the impact is huge and yet, this group–that's the MAGE group–you know, is behind this province a hundred per cent, and all they're asking now is respect. That's all there is to it; they want to be respected for what they do, what they are, who they represent, and I think repealing this legislation is one thing, but it needs to be more than that to restore faith, you know, in this Province and in the bargaining process.

Thank you.

Mr. Chairperson: And we thank you very much for your participation and, Ms. Carr, we thank you very much for your presentation this evening.

Okay, so on our list you will have a Mr. Bob Moroz. Our understanding is he will be late this evening, so we will move him to the bottom of the list and we will go with Mr. Paul McKee *[phonetic]* from Unifor.

If you're ready, Mr. McKee *[phonetic]*, please come to the podium. And if you have any documentation to hand out, we can certainly take care of that for you.

***** (18:50)

Hearing none, welcome. The podium is yours.

Paul McKie (Unifor): Just a crack for the record, although I have no idea how it appears in Hansard, but the pronunciation of my last name is McKie, rhymes with pie, as in apple, or 22 over 7. Take your choice.

So, good evening. I'm here tonight representing Unifor, the largest private sector union in Canada. Our 315,000 members work coast to coast to coast in all sectors of the economy, including workers in the public sector directly and indirectly.

We represent about 10,000 Manitoba workers, including publicly funded workers at Manitoba Liquor & Lotteries, Lord Selkirk School Division,

Manitoba Hydro and the University of Manitoba. I'm the area director for Manitoba and Saskatchewan, as well as a servicing representative in Manitoba in charge of 20 collective agreements.

My comments today will be relatively brief–perhaps not as brief as Bill 2, which is amongst the shortest bills I've ever seen. Even the explanatory note to this bill is exceedingly small. This bill repeals The Public Services Sustainability Act, which is unproclaimed, and three other legislative references to it.

So, I'm here today, not to praise this government for the repeal of a horrible piece of legislation, but to mark the close of an anti-union, anti-worker campaign supported by every elected member of this government.

This was a war on labour, and it was a disaster. This war on organized workers exposed the lie that wage restraints were done for economic reasons. This wasn't about helping the provincial economy; it was about hurting public sector workers and their take-home pay. This was more about payback than it was about paycheque.

So I'm not here to pat you on the back for taking back The Public Services Sustainability Act. Perhaps in a more charitable moment, I might slow-clap you out of the room. While it is nice to see the death knell for this atrocious legislation, it is a matter of too little, too late. The damage wrought by the PSSA is done. You cannot un-ring that bell.

The legacy of the PSSA is vitriol, vexation and very, very expensive litigation. This act wasn't here a long time, but it did so much damage. This government, and publicly funded employers this government directs, enforced the wage restraints of the PSSA. You may repeal this act tomorrow, but I represent workers who still work under collective agreements foisted upon them by this government and the PSSA. Long after the PSSA vanishes, it lingers on in the poor paycheques of Manitobans.

This government has painted a picture of public sector workers as overpaid and underworked. Yet, so many workers funded by public money make wages that are far less than six figures. School bus drivers, food services workers, part-time workers in casinos all have felt the sting of repressive wage legislation, a sting made even worse compounded by COVID. In some of the cases I mentioned, I'm now in bargaining to renew collective agreements where wages have fallen behind the rate of inflation by more than 11 and a half per cent.

My workers are angry. They're angry at their employer and they're angry at this government. Some have opted to leave their employment to seek better work elsewhere in the private sector. They leave not because they want to, but because they have to. Some in this government may applaud the initiative to better oneself and seek employment in the private sector, but this ignores the very necessary and good work that public sector and civil service workers do every day. That work gets harder and harder to do when you cannot attract and retain workers to make Manitoba work.

How many good workers left for greener pastures because of the PSSA? We may never know that exact number.

The modus for the repeal of this legislation may not be as altruistic as our Premier (Mrs. Stefanson) has laid out. Certainly, it is no secret that labour's lawsuit against this legislation could be before this nation's Supreme Court. Perhaps this is a Hail Mary move to get the court to refuse labour's leave to appeal. Nonetheless, we say good bye and good riddance to the PSSA. This may not be an appealing government, but today at least it is a repealing one.

Finally, I wish to thank you for this opportunity to speak out in this forum. I'm very proud of our democratic institutions and practices here, particularly how we allow public debate like this on each piece of legislation that our elected members debate, even bills as short as this one.

Thank you for your time.

Mr. Chairperson: And we thank you presentation.

The floor is now open for questions.

Mr. Helwer: Thank you, Mr. McKie, for your comments.

And, yes, it is a very brief piece of legislation. It has one intent, and sometimes things are exactly as they seem. This is an intent to repeal a legislation and to move on. It takes two parties to be part of that moving on, and we ready and willing and able to do that.

And thank you to your members for being a part of our government employees and we appreciate the work that they've done.

P. McKie: Mr. Helwerth *[phonetic]*–who, I note, is the first Labour Minister of this government after six years in power–yes, it is a first step, and we applaud,

however lightly–golf clap, perhaps–that you have done this, and we look forward to more progressive measures as we move forward.

Thank you.

Mr. Wiebe: Well, thank you very much, Mr. McKie, for coming here this evening.

I think, in your short presentation, you really summed it up very, very well and, I think, put some of the frustration that you're hearing from your members on the record and expressed that, I think, very well for the committee. So I want to thank you for that.

You know, I mean, I'm sort of just blown away that the minister seems to be, you know, putting this on labour or on you or on the presenters that have come here tonight, that, you know, he's made the first step, now it's up to you to move on. You know, when we've heard time and time again the impact that this has not only had over the last number of years, but continues to have and, again, I think you laid that out very, very well.

So, you know, we've heard over and over again that one of the concrete steps that this government could take, the the minister here tonight, in fact, could take, is to publicly say that they would withdraw their opposition to the application that's before this report.

Do you think that that would be a helpful step? Or maybe I'll just open it up this way, you know, allow you to speculate: why would the government be unwilling to do that? Why–what do you think the motivation behind them not willing to take that step would be?

P. McKie: I don't think it would surprise anyone in this room to know that I'm a cynic and that I believe that this government hopes that by repealing this legislation that it doesn't go to the Supreme Court.

If we don't get a ruling on this–this has a–this has ramifications beyond just Manitoba. This kind of legislation–in fact, this particular, the bill 28, was modelled very much on the Nova Scotia legislation. And we need to have a definitive view by our Supreme Court on this legislation to stop governments from interfering in the collective bargaining process. And it will–it–not having an answer is not the answer.

We need this to go forward. We need to get a definitive answer from the Supreme Court.

Mr. Gerrard: Yes, thank you for coming and talking about this legislation and its impact.

One of the things that you mentioned was that there are still workers who, I guess, had got contracts while this legislation was hanging over their head and are still way behind in where they should have been.

Can you tell us a little bit more about that and whether those workers are now having an opportunity to catch up or whether they're–those contracts are still ongoing?

P. McKie: Those contracts–in two of those cases, those contracts, I'll be bargaining this year. One of them I have already started and it remains to be seen whether we can make up for an incredible amount of lost time and money. It–there are certainly collective agreements that are funded directly by this government where there are things like binding arbitration for teachers and that, where that is an option.

It is not an option in a lot of quasi-provincial–like the University of Manitoba, for instance, or lotteries, where that avenue doesn't exist. The only avenue is free collective bargaining. And when you interfere with the monetary part of bargaining, you stop progress everywhere. It just shuts down bargaining, as the justice rightly put in her decision in the Court of Queen's Bench.

So we are trying, now. We are just in the sort of beginning steps of going through collective bargaining with those units to see if we can make up for the lost ground, and I don't know how that's going to turn out and what we'll have to do in order for it to turn out for those people.

***** (19:00)

Mr. Chairperson: Okay. Any further questions?

Hearing none, thank you very much for your presentation this evening.

Next, we'll move on to our seventh presenter, Mr. Jeff Traeger from the United Food and Commercial Workers, Local 832.

Mr. Traeger, if you could turn on your camera when you're ready.

Welcome, sir, and the floor is yours for your presentation.

Jeff Traeger (United Food and Commercial Workers, Local 832): I'm here today to support the Manitoba Federation of Labour's call for this government to withdraw your opposition to our application to go to the Supreme Court, which is how I view Bill 2.

I come before you today as a president of UFCW Local 832, a union representing over 19,000 hard-working members almost exclusively now in the private sector, and I want an answer for my members and for all Manitobans. I want an answer to the question: Has this government been acting in a way consistent with the constitution of Canada?

Despite a leadership change and this government's efforts to project a plan to move forward together, this government's continued to blatantly act against your previous commitments.

We were told your government would pursue a balanced budget that didn't hurt families. Instead, families have been directly harmed by the my-way-or-the-highway approach to legislation, and harmed greatly by the PSSA, even though it wasn't proclaimed. This damage has been done to working families already. Now they deserve to know if this was your plan all along, or if you broke the law of this land.

Time and time again, this government proves it has a healthy appetite for helping business and those who have deep pockets while hurting both working Manitoba families and our economy: freezing public sector wages through the PSSA; cancelling the final increase to the security guard minimum wage, putting thousands of Manitoba guards into a similar situation as public sector workers. Our members working in security are experiencing increasingly risky and stressful conditions on the job, and their wages are not rising to acknowledge the value of their efforts. Suppressing minimum wage increases, putting us smack dab at the bottom of Canada come this September.

This government's lack of meaningful action to support working people has forced Manitobans to make extremely difficult choices for the future of their families. You heard already tonight about nurses leaving Manitoba. We know that a lot of young people are leaving Manitoba because they can't make ends meet on $11.95 and an hour, and $12.35 will not be any better. This is the true cost of bill 28. These former Manitobans deserve to know if this government acted unconstitutionally.

In the fall of 2020, our Winnipeg School Division bus drivers had to choose between accepting the poor conditions of their workplace and the embarrassing offer included in The Public Services Sustainability Act, or to go on strike amidst COVID, with kids finally returning to in-class learning, so that they could stand up to these conditions. And they did go on strike. And they went on strike for nine months, and they got a lot better than what they were offered at the bargaining table, so it turned out to be exactly the right thing to do, and that's the message this government is sending workers.

When you hurt public sector workers and don't allow unions to bargain fairly, there's a ripple effect throughout Manitoba. Our bus drivers from that school division experienced huge shows of support from the families they serve. The parents understood that they had to stand up to these unfair conditions, and that it wasn't our members' fault that families were dealing with huge inconveniences; the blame was and still is on this government. Those bus drivers deserve to know if this government acted unconstitutionally.

At UFCW, we represent thousands of university students, many who have had their studies interrupted by your government interfering with their professors' ability to earn fair wages, a claim that was proven by the Manitoba Labour Board. People come from around the world to study in Manitoba, and if we can't pay our academics what they're worth, the quality of what we have to offer will soon be down in the dumps, right beside your minimum wage. And those students and those professors deserve to know if this government acted unconstitutionally.

I'm here as a president of a union, but I'm also a citizen and I want to have good reliable health care that I can count on. Your government's law has and continues to do incredible harm to our health-care system. Before the health-care sector bargaining review act, we represented over 3,000 members working in health care at St. Boniface, Grace Hospital and Thompson Hospital.

Even before COVID came our way, we had health-care workers worried about their job stability, worried about their ability to provide quality care for Manitobans in need. Our health-care system relies heavily on thousands of workers–health-care aides, porters and so many more–many of whom are only making a few bucks above minimum wage. And guess what? Those workers deserve to know if their government acted unconstitutionally.

And we don't need volunteers for our health-care system. We need to pay workers fairly. We need to invest in the long-term health of our province, their people and its economy.

On behalf of Manitobans, I'm here to advocate for fairness. We've had two very different rulings on your government's wage freeze legislation, and we need the

clarity that only having our appeal heard at the Supreme Court will provide. If this is really about moving forward together, you need to look beyond numbers to the people you're hurting, the working families who are the backbone of our province. And now, more than ever, they need a government that makes them a priority. When is the Stefanson government going to do that?

And guess what? Every single Manitoban deserves to know if this government acted unconstitutionally. If you repeal the PSSA through Bill 2, you'll be sending a strong message to Manitobans that you know bill 28 was unconstitutional. And Bill 2 is not an olive branch, as you've been trying to portray it here tonight, but it's a ploy to get the government off the hook. And to be completely frank, Bill 2 is a coward's move.

Thank you for your time.

Mr. Chairperson: And we thank you for your presentation.

The floor is now open to questions.

Mr. Helwer: Thank you, Mr. Traeger. Thank you for your presentation. It's very direct; I appreciate directness. I think it's a very bold move, myself. Thank you. And we are attempting to move forward, as I've said. And there's opportunities there for all of us, and it'll take a lot of work before we realize that, but we're ready to do the work. Thank you.

Mr. Chairperson: Any comments, Mr. Traeger?

J. Traeger: Oh, just that if you're going to move forward on behalf of Manitobans, maybe you want to ask them what they'd like to see.

Mr. Chairperson: Thank you for that.

Mr. Wiebe: Mr. Traeger, thank you so much for taking the time. I appreciated your presentation, particularly because of the breadth of the experiences that you can bring to the committee here tonight, and sort of the variety of different folks that you represent and just how this legislation has impacted them. I think it's important for us to understand that and to hear that directly from you, so I appreciate you bringing that forward.

You know, I would disagree with the minister. I don't believe that this is a bold step in any fashion–you know, to simply turn tail and run, and as you said, not really listen to anyone or to any of the working people of this province about how we can do things better. You know, if the minister were to take bold action here tonight, if there was something that the minister could say or could indicate direction from his government that clearly indicated a break from, you know, the Brian Pallister government and agenda that was brought forward, you know, with most of the existing Cabinet and caucus in place, I would remind folks. But if he was to make a distinct break, what kind of step could he take here tonight that would indicate to you that he's taking this next step seriously and is actually listening to working people in this province?

J. Traeger: Well, public consultation would be a good start. If they believe that the people of Manitoba are happy with the way the PSSA impacted public sector wages–and, by the way, really had a very strong impact on private sector wages as well, because we had employers coming to the bargaining table and saying, if two zeroes and 1.5 per cent over four years is–or 1.75, sorry, over four years is good enough for government workers, then it's good enough for people who work at Maple Leaf, or people who work at Safeway or people who work at any number of private sector locations.

***** (19:10)

The–this government doesn't–I don't know, other than having Stefanson's face as the person in charge, I can't tell any difference between the way this government is acting and the way it acted in the past. I don't feel as though this move is an olive branch at all; this is an attempt to get out of a bad ruling from the Supreme Court against the Government of Manitoba.

You know, a year and a half out from an election, I think it reeks, and I think you could start by admitting that that's some–part of the motivation, if you want to show that you're different from the Pallister government.

Mr. Gerrard: Thank you for your presentation.

I agree with you that, you know, we need a Supreme Court ruling to get clarity. You put this very, very clearly, that–and I just want to confirm this–that without that Supreme Court ruling, there is going to be a continuing cloud in the air, and continuing uncertainty, and that's going to be continuing problems for us in Manitoba in terms of bargaining. Is that right?

J. Traeger: Exactly right. And what I would say is that, if we don't get a ruling on the constitutionality of this kind of legislation, there's nothing stopping a future government from going down the same road. We've had bill 28 for a number of years now, and it's

had a hugely negative impact on the wages of private and public sector workers–mostly public sector workers, I will admit–but it's had a huge impact.

So, if we don't have a ruling from the Supreme Court, what I see happening is this government or one like it in the future putting forward the same type of legislation so that they can get a three-year break, and then when we call them on it, they say, oh, we're going to repeal it.

Mr. Chairperson: We thank you very much for your presentation, Mr. Traeger.

Next, we'll move on to Mr. Jason Hawkins. Mr. Hawkins?

Mr. Hawkins, we'll just ask that you turn your camera on when you're ready for your presentation.

Jason Hawkins (Private Citizen): Hello.

Mr. Chairperson: Thank you. Good evening and welcome, Mr. Hawkins. The floor is yours.

J. Hawkins: Firstly, in healing with this government after Brian Pallister started the framework of destroying our province. It was obvious, when he was elected, there was a clear target on labour and the unions that represent the hard-working Manitobans.

I realize no one has a crystal ball, but fast-forward from the day the legislation was introduced, this government attacked security guards, health-care workers, teachers, school bus drivers, among others. Yet when a pandemic hit, these people–who the government identified as heroes–while our government officials stayed in the safety of their homes, health-care employees put their lives on the line to protect Manitobans; yet those employees were not allowed their right to fair bargaining, fair wage increases.

As we have seen in the courts, this bill has not been supported. Repealing this is a good first step in healing the negative feelings this government has placed on the hard-working Manitobans.

Thank you for your time.

Mr. Chairperson: Thank you for your presentation.

The floor is open for questions.

Mr. Helwer: Thank you, Mr. Hawkins, for your comments. I appreciate we're in a very different time and that's where we're trying to move on. And I appreciate your comments that it's a good first step. I certainly agree with that, and there's lots more work to do.

J. Hawkins: I want to be clear, it's a first step in a long road. You know, many of our Manitobans are in hard situations right now, financially, emotionally, physically. You know, our health-care people are beat down. Our hard-working Manitobans who protected us in this time deserve the fair right to bargaining.

Mr. Wiebe: Well, thank you very much, Mr. Hawkins, for the presentation. Though it was on the shorter side, it–you certainly got your passion across and I certainly see that as the passion that I see from a lot of workers in Manitoba who are frustrated with this government.

So I just wanted to ask a little bit more about what you're saying about, you know, one step in a long road. The minister now, over and over again, is standing up and saying, you know, we should move on. Workers–what–you know, get over it.

What are some of those steps that this government can take when it comes to this long road that you talk about that would help to restore some confidence that this government, you know, actually could show some respect to workers in this province?

J. Hawkins: Well, I think in starting, allowing this to go to the Supreme Court, you know. Admitting the government was wrong in introducing this in the first place. It wasn't about protecting Manitobans. It was about attacking our hard-working people. Like I said, these are one step in a long road of healing the effects of what this government has done, especially going into a pandemic.

Now, coming out of it, we should be looking at what we can do for these people. You know, when the pandemic hit, every time Mr. Pallister came onto TV, you know, in his news conferences: what he could do for business. There is nothing ever there for what he could do for the working Manitobans. He didn't help working Manitobans. He gave our seniors who already got pension, you know, had pension plans and old-age security, he gave them a bump in pay. He didn't give a bump in pay to the hard-working people who'd had–who, yes, you know, have a decent wage. But he didn't give it to them because they didn't qualify due to their wages. Yet they were the ones on the front lines, affected the most by how the government did not allow for fair bargaining.

Mr. Helwer: Something the member said twigged me–he's putting words in my mouth. Never tonight or previously–I want that withdrawn–have I ever said to any union to get over it. I have said, that I appreciate this is a first step. We are moving on; there is a lot

of work to do. I would appreciate the member withdrawing the allegation that I said those words.

Mr. Chairperson: Mr. Hawkins, any comment?

J. Hawkins: No comment.

Mr. Chairperson: Yes, and again, as we all know, we're here for the presentation and questions and answers to the presenter. So while you may have your own point on that, Minister Helwer, we're going to move forward to Mr. Gerrard.

Mr. Gerrard: You've talked about as a–somebody who's, you know, I believe, on the front lines of workers in Manitoba, of the impact emotionally and I guess on people's mental well-being of the bill 28 and the low wages and all the other things that went along with that. I'd like to have you, if you would, expand on that a little.

J. Hawkins: Well, I mean, let's look at our, you know, assisted living. Let's look at our home, our elderly, our assisted living for, you know, our beloved parents. Look at the low wages that are in there. You know, what did we do for them? What did this government do for them? Again, I go back to the point of every time Mr. Pallister came onto TV, it was what he could do for business. It wasn't what he could do for the hard-working Manitobans.

Mr. Chairperson: We thank you very much for your presentation this evening.

Move on to our, I guess, our eighth presenter, Mr. Erik Thomson from the University of Manitoba Faculty Association.

Mr. Thomson, if you could turn on your camera when you're ready.

Erik Thomson (University of Manitoba Faculty Association): Sorry, I vanished there. It's fine that I can see.

Mr. Chairperson: Thank you, Mr. Thomson. Thank you for joining us. The floor is yours.

E. Thomson: Oh, thank you very much, as–my name's Erik Thomson. I'm the vice president of UMFA, the University of Manitoba Faculty Association. I'm an associate professor of history. It's my pleasure to help represent over 1,250 of my colleagues, professors, instructors and librarians at the University of Manitoba. And I'll keep my remarks short because a lot of people have spoken, the evening's getting late and many of those people have a broader and deeper knowledge of labour relations than I do.

***** (19:20)

I just wanted to remind the committee of the history here, that the Pallister government interfered in our bargaining in 2016, so we felt the PSSA's spirit before the act was put on the legislative docket. This interference contributed to the strike in 2016 and damaged our members' interests, as the Court of Appeal has agreed and the Court of Queen's Bench has recently awarded us damages for.

The effects of the PSSA fester and contributed to the strike that occurred last fall. It continues to complicate our relationship with our employer, and it's likely damaged not just, you know, our relationships with our employer, but the institution, which has sunk in international rankings during all of these years.

I know that many talented Manitoba students have sort of looked at this history of strikes and limited resources and poor morale and chosen to pursue their studies elsewhere. I don't know whether they'll really come back. I know that this approach to bargaining caused interruptions to my classes and to students' education, to the detriment of their quality of education and to their experience at the University of Manitoba. And so, therefore, I welcome this shift in approach represented by the repeal of the bill.

I hope that the government will drop its opposition to the PDPS's application to the Supreme Court, so that there's more clarity about the approach that wage restraints and how they'll work in collective bargaining in the future. I also hope that the government won't appeal the damages and the remedies recently awarded to our members and to UMFA by the Manitoba Court of Queen's Bench.

And while this moves on from the, maybe, narrow experience of UMFA and the particular experience in the University of Manitoba, I urge the government to make it a priority to settle fair contracts across the public sector, not only with this legislation repealed, but with the damages that are done and have doubtless happened in other workplaces, as we've heard from others, to settle fair contracts across the public sector.

And so, that's all I had to say and I thank you for allowing me to come and say it.

Mr. Chairperson: We thank you very much for your presentation.

The floor is now open for questions.

Mr. Helwer: Thank you, I assume, Dr. Thomson. I–

Floor Comment: Even professor, but I'm never big on titles, so.

Mr. Helwer: Okay, good. Well, I don't want to offend, so–but thank you for your presentation and your perspective as a professor at the university. I appreciate you coming to committee and letting us know the impact that it's had on you and your classes.

Thank you.

E. Thomson: Thank you. I appreciate the minister's concern.

Mr. Wiebe: Professor Thomson, thank you for joining us here this evening.

You know, I think your experience has been on the minds of many Manitobans, because you've been out there really fighting this bad legislation and its impacts. And I appreciate you bringing your perspective and, you know, laying out some of the impacts that this has had not just to the faculty, but to–you know, the impacts to the universities themselves as well, which I think is an important element here, and I appreciate your perspective on that.

Can you talk a little bit more about the impact that we've seen on–for students in this province, and specifically how the impacts that they've felt over the last number of years–you know, on top of just the impacts of COVID–but on top of that, to have to deal with this sort of uncertainty within the classroom.

Can you talk about what–the impact that will have on the province going forward as we try to recover and restart our economy and come out of this pandemic? Any insights that you can give would be appreciated.

E. Thomson: I'm–thank you for the question. I think it's a very difficult question to answer. I think teachers and university teachers will be dealing with gaps in preparation, with emotional sort of damage from COVID for the–you know, I don't know, for the rest of my career, I think, we'll see generations with different gaps and different things that will need to be made up. It will produce real challenges and, hopefully, a few opportunities in teaching, as well.

Layered on top of that there was, of course, these strikes. And also, I mean, the effect of the PSSA and the constraints on collective bargaining mean that many of the other issues that we should be talking about with our employer have been sort of clouded by other issues. So, issues about things like learning technology, how its functions and how it works, is caught up in these other dimensions.

And, I mean, the last and utterly incalculable step is, who's decided not to come here, you know, students that choose not to come, students that look to other institutions as places to go, and faculty members that look elsewhere to go. Those can be very long-term damages that are very difficult to discern and, you know, it can be a joy of the year to have a particular student that really responds to certain teaching and grows in learning a certain subject, and who knows how many we've missed?

Mr. Gerrard: Yes. Thank you for the presentation and the discussion.

Perhaps you can help us, because clearly there's a long way back. What other steps need to be taken to get the University of Manitoba back on track from your perspective? And also, since you're a history professor, whether there's any historical parallels where universities have suffered great damage like this as a result of poor approaches by government to dealing with faculty members?

E. Thomson: Thank you. Thanks for the question.

I don't want to speak to professional knowledge beyond what I know, but yes, universities–the relationship between universities and governments is complicated. It–sometimes universities benefit tremendously from actions of governments, including wrong-headed and, you know, the–perhaps the greatest gift to a single university culture was Nazi Germany driving a bunch of talented scholars away. But of course, that's not on this level. This is a subtle shift and 'shubtle' changes in morale.

And so, are there–is there a great parallel that comes to mind? No, I'm not sure which is the–a perfect parallel.

What was the other part of your question, if you could remind me?

Mr. Gerrard: Yes. The other part was, what measures need to be taken to restore–

Mr. Chairperson: Mr. Gerrard, sorry to interrupt you, we've run out of time, so I'm just wondering if–is there leave for Mr. Gerrard to finish his question and then we can hear the answer? Is there leave? *[Agreed]*

Go ahead, Mr. Gerrard.

Mr. Gerrard: Just–I mean, you have a good perspective of what's happening at the university and, you know, repealing this bill is not enough.

What other steps have to be taken, as well, to get things back on track at the university?

E. Thomson: Thank you and I'm sorry for stepping over.

I suspect there's some work that's already been done. There's been a start of engagement between members of the faculty and members of the administration.

Clarity about what budgets are, so people can make decisions in–over the long term, and that those decisions are a little bit to the side of, you know, what are we going to have next year so we can begin to plan and make priorities that reflect the views of, you know, the Senate of what needs to be taught and what's quality teaching.

A commitment to education and, you know, clarity about the funding of the system so we know how many students we'll have and what their preparation will be when they come to the university and so we can do as good a job as we can when they reach that university level.

In ways, we have these steps. We have the remedies. The strike has made up some of the damages and the arbitrator's award has made up some of the damages of these last years. So, maybe we're at a point when relationships between management and, you know, the members of UMFA will begin to heal a little bit.

But now there's all these lagging structural issues and, of course, things like the pandemic that are new, you know, not just to me, but–and to the University of Manitoba, but to higher education around the world, and part of that is going to be a real challenge, making up for the loss in quality of education over the last two years.

But some–probably there's also advantages and new techniques that we'll see and have to evaluate, hopefully on a basis of confidence that we're, you know, dealing with a well-funded institution that has people that, you know, can take the time to deal with students as people and bring them along.

***** (19:30)

Mr. Chairperson: Professor Thomson, thank you so much for joining us this evening.

We'll next move on to Mr. Mike Howden. Mr. Howden, if you're on camera, just turn your camera on when you're ready to proceed.

So, Mr. Howden is not on the call, so we'll drop him to the bottom of the list and we'll call on Ms. Gina McKay from CUPE Manitoba.

Ms. McKay, if you're on, please turn on your camera.

Ms. McKay, thank you for joining us this evening. The floor is yours.

Gina McKay (Canadian Union of Public Employees, Manitoba): Good evening, Chairperson and committee members.

My name is Gina McKay, and I'm the president and national regional vice-president for the Canadian Union of Public Employees in Manitoba. I'm joining you this evening from Winnipeg, Manitoba, on Treaty 1 territory today. I would like to thank the standing committee for the opportunity to speak with you all this evening on Bill 2.

To give some context, CUPE Manitoba represents approximately 37,000 public and private sector workers across Manitoba. Our members work in health care, education, post-secondary education, public utilities, social services, child care, municipalities and more.

The Manitoba government's introduction of bill 28, colloquially known as the wage freeze bill, threw labour relations in this province into chaos. Thousands of Manitoba workers suffered for years, including before the pandemic, because this government's interference in free collective bargaining, as we've heard this evening. Worse yet, these workers have gone years without fair wage increases, including through the pandemic, working under the shadow of The Public Services Sustainability Act, which continues to impact Manitoba workers' lives.

The government's goal was to devalue Manitoba workers' wages and livelihoods, forcing them to work for less. The backwards piece of legislation has hurt people, and CUPE will not let this government get away with causing this much pain for so long.

To this day, public sector bargaining tables continue to offer zero per cent wage increases due to the legacy of The Public Services Sustainability Act, some employers refusing to tell us where the mandate is coming from, citing some 'omnious' spectre that is directing them to continue offering zeroes, sometimes without explanation. And while this PSSA is set to be

repealed, the damage it has done continues to affect negotiations in all sectors of work in this province, as we've heard this evening.

Seventeen thousand CUPE health-care support workers currently have a strike mandate. This was due, in part, to the government's goal to freeze wages, along with other harmful pieces of legislation that did pass, like the health-care sector bargaining unit review act, which threw health care into chaos.

Other bargaining tables, including school divisions, claimed that they were offering zeroes because of the mandate. CUPE fought back at the bargaining table in dozens of school divisions, and we did not accept zeroes at all. We pushed these employers to understand that the zeroes were not legislated and that school support staff deserved better, especially during a pandemic.

CUPE members had to take strike mandates in order to break this government's ghost mandate, disrupting their work, their lives and impacting the love for the work that they do. Some of the K-to-12 school members even went on strike for over 60 days during the coldest of months in Manitoba.

Yet, after all of this time, the government finally decides to withdraw The Public Services Sustainability Act. Some workplaces already accepted these zeroes, and we've heard that tonight, even though the workers deserve so much more.

The past few years have shown the real, human impact of a government that interferes with free collective bargaining. Low wages and sub-inflationary wage increases also disproportionately impact women, gender-diverse workers, Indigenous peoples and workers of colour, who make up a large part of our membership, and also front-line workers. This is why we also believe that, in addition to repealing The Public Services Sustainability Act, the government should also withdraw its opposition to the Partnership to Defend Public Services application to have the Supreme Court consider the constitutionality of the wage freeze legislation. And I know we've heard that echoed here tonight quite strongly.

We're urging the government to make clear to every public sector employee across all types of work, including health care, including school divisions, Crown corps, social services and more, that the provincial government will not interfere with collective bargaining going forward. We believe The Public Services Sustainability Act should never have been introduced. We know the impact that this legislation continues today–and how it continues today. It must be withdrawn and this government must be held accountable for the damage it has done to all working Manitobans, whether unionized or non-unionized.

Thank you so much.

Mr. Chairperson: We thank you for your presentation.

The floor is now open for questions.

Mr. Helwer: Thank you for your presentation.

Some very interesting insights that I've taken note of, and appreciate the work that your members have done during the pandemic. You know, we obviously couldn't have made it through without them. We're still making our way along and they've been a big part of that.

Thank you.

G. McKay: Thank you, Minister Helwer.

Yes, I'm hoping really what gets reiterated here is that we–what we have in common is that we want public service workers to stay in Manitoba, right? We want them to thrive as Manitobans instead of looking to neighbouring provinces and changes of careers to make ends meet.

So, thanks, and I'm happy to answer any questions.

Mr. Wiebe: Gina, good to see you again, and thank you so much for the presentation, for taking time out of your busy schedule to be here tonight to inform the committee a little bit of the perspective of your members.

And once again, I feel like the presentation that you've given has been a good cross-section of Manitobans and a good cross-section of those folks that, you know, we all called front-line heroes and–thanks, you know, our front-line workers. And we've certainly heard those sentiments and, in fact, just from the minister now.

I guess my concern is, is that, you know, those are words, and what we've seen, in fact, is action that, you know, betrays this government's true motivations when it comes to working people. So, I guess, you know, again, you know, the minister is saying, you know, thank you to the front-line workers and he wants us all to just move on.

Do you think Manitoban workers are ready to move on under this government with the same sort of rhetoric coming from this minister again tonight?

G. McKay: Yes, thank you so much.

Are workers ready to move on? You know, how do you move on when you have deep-seated zeroes in those contracts, right?

So, (1) I think it's hard to recognize that peace because, you know, we need the concrete action. You know, workers in Manitoba are still tabling zeroes–or, receiving zeroes at the table. And we see 17,000 health-care support workers five years without a contract, some of those workers not even having pandemic pay, right?

We have people–we're looking at retention, we're looking at, you know, we're looking at public service workers moving away from their jobs. Are they ready to move forward? You know, it's hard to. It's hard to move forward, especially when you think–the impact of five years without an increase.

I was doing some math earlier while I was listening along, thinking, you know, for a $13- or $14-an-hour-wage job, it would take you almost 50 per cent or 60 per cent of your day just to fill the gas tank today, on May 16th. Those impacts for workers–how do you move forward? You either look at getting second jobs, sometimes out of the sector, or changing careers.

So I think, you know, what we're seeing here is that without those deep-seated changes made and statements made and language backing up the fact that there won't be interference in the future, these are the things that are important, right? We need to actually look at how can we correct things, and then how do we look at the deep-reaching–that this wage freeze bill has really created, not just in public sector, but also in the community sector that's really seeing the impact of Manitobans, right, accessing community services more than ever, and also seeing those zeroes tabled in a community sector as well.

***** (19:40)

Mr. Gerrard: Yes, thank you for your presentation.

Over the last year, we've seen a big loss of people from Manitoba, of Manitobans who've moved elsewhere and fewer Manitobans coming here.

Do you think that the public sector sustainability act and the chaos that happened in labour relations contributed to people moving away from Manitoba? And how do we now reverse that? Is just repealing this enough?

I would think we've got to do more.

G. McKay: Yes, excellent point.

Absolutely. Workers are leaving, right? Retention: we're seeing not only retention in those sector jobs, but also in the schools, in the education system that's training those workers.

I met with the Southern Health Region not too long ago, and those support workers were saying, we–(1) we can't fill shifts; (2) we have unbelievable vacancy; (3) our wages haven't increased in five years and we can't even get people to come into–to do the training, right?

So we're really recognizing, Jon, that workers are looking elsewhere, that they're adding second and third jobs, and that doesn't make for a sustainable future.

Mr. Chairperson: Ms. McKay, thank you very much. We've run out of time.

We thank you for your presentation and for your question-and-answer period.

Bill 8–The Court of Appeal Amendment and Provincial Court Amendment Act

Mr. Chairperson: So, we'll move on now to presentations on Bill 8, and Ms. Susan Dawes, the Provincial Judges Association of Manitoba.

Ms. Dawes, thank you for joining us this morning. We do have your presentation, so please proceed.

Susan Dawes (Provincial Judges Association of Manitoba): Good evening.

I'm legal counsel for the Provincial Judges Association of Manitoba, or PJAM, as I'll refer to it. I provided a presentation brief, which you now have. PJAM represents all 41 full-time provincial court judges, including the chief judge and the associate chief judges. It also represents 14 senior judges as well.

On behalf of PJAM, I'll address two aspects of Bill 8: the amendments to judicial education and the judicial appointment process.

So, first to judicial education. In considering these amendments, the Legislature must consider the need to uphold judicial independence, and in particular that the executive and legislative branches of government must respect the independence of the judicial branch of government.

As the judicial counsel has put it, training sessions provided to government must serve the interests of

justice alone and not that of external forces, governmental or otherwise, so control over judicial education is a necessary component of–pardon me–of judicial independence and must therefore rest with the judiciary.

Current judicial education is planned and implemented under the direction of the chief judge and an education committee made up of judges of the court. Current judicial education is robust and already entails education on matters related to sexual assault law and social context. Judges currently receive at least 10 days of judicial education per year, and the Provincial Court has a core education program delivered through two annual multi-day education sessions.

Individual judges build their own education plans. They access high-quality education through numerous national and international associations, including the National Judicial Institute and the Canadian Association of Provincial Court Judges, and both provide wide ranges of educational offerings, including programs about the law on sexual assault and social context.

The proposed new section 8.1.1(1) is worded permissively in that it says the chief judge may establish seminars for the continuing education of judges, including seminars on matters related to sexual assault law and social context.

I note that because this legislative provision could be misconstrued as a direction by the Legislature to prescribe specific judicial education–educational content, rather, for judges. If so, the Legislature could be seen as attempting to influence the specific topics to which judges should pay particular attention and thereby their thinking. That would be a violation of judicial independence.

Additional education for judges also has financial and judicial resource implications. Adequate judicial–adequate funding for judicial education is essential for public confidence in the administration of justice, while the federal government, for example, fully funds judicial education for federally appointed judges.

The Provincial Court of Manitoba does not have guaranteed funding for its education, and I address the two types of funding that are received in the presentation brief. Funding for the education contemplated by Bill 8 would come from the court's core education budget, and that particular budget amount of $40,000 per annum has remained the same since 2005.

The impact of inflation alone, not to mention the increased complexity of matters dealt with by the court, have meant that this budget is no longer adamant–adequate to meet the court's needs. Simply put, the public interest demands that all judicial education be fully funded, including that contemplated by Bill 8.

Additional educational would also impact judicial resources, and if judges are to be taken out of court for more education days, consideration must be given to the judicial complement, and only an adequate judicial complement will ensure the timely administration of justice.

I'll turn now to the amendments to the judicial appointment process. PJAM has asked me to highlight the history and strengths of the current process to assist with your consideration of the amendments set out in Bill 8.

One key benefit of the existing process is that it clearly separates the responsibility of the Judicial Appointments Committee from the responsibility of government. Currently, a confidential process is led by an independent committee which includes members appointed by government, and the work of the committee is depoliticized in that it–that the needs of the bench and the views of the profession are considered along with the views of government in deciding on a short list of candidates to share with the minister.

The current process was established in 1989 and '90 following independent research and recommendations by Manitoba's Law Reform Commission, and the minister of Justice, Mr. James McCrae, consulted and collaborated extensively with the chief judge, as well as with two judges of the court, in crafting what is now the current process. Minister McCrae explained that the objective of the amendments at the time was to enhance the independence of provincial judges by taking their nomination out of political hands.

The minister made specific reference to the composition of the appointment committee in his comments to the Legislature where he said: As members can see, government does not have a majority on this committee, so there can be no question of the government stacking the committee to get persons it wants appointed approved without thorough inquiry and scrutiny. Minister McCrae also emphasized that the independent process would improve public confidence in the administration of justice. The result was a process which has served the

court and the public well by ensuring that the government chooses the most highly qualified candidates for appointment.

Now, a number of key features of the existing process would be changed by Bill 8. With the Bill 8 amendments, non-government appointees would no longer form a majority of the committee. This change could create a public perception of politicization of the Judicial Appointments Committee and of the identification of candidates to be considered for appointment. Further, the removal of the chief judge as chair of the Judicial Appointments Committee and the requirement that a non-judge chair the committee would weaken the JAC's independence from government.

Regarding the candidates provided to the minister by the committee, the current rigorous, independent process for selecting candidates for judicial appointment enhances public confidence in the candidates ultimately selected for judicial appointments. And the short list currently prepared by the JAC limits the potential for politicization of the appointment process.

***** (19:50)

Requiring the committee to provide the minister a list of all current candidates who meet the baseline qualifications for appointment, whether recommended or not, diminishes the role of the JAC in the judicial selection process. It would also provide the government with access to what are now the JAC's confidential considerations concerning candidates who are not recommended. And it would also significantly expand the options available to government for judicial appointments. The changes reduce the separation of the JAC's work from the government's consideration and thereby risk undermining public confidence in the appointment of judges.

The current process does not provide for any re-evaluation of the JAC's assessment of a candidate. Under Bill 8, the minister may request the re-evaluation if the minister disagrees with the JAC's evaluation of the candidate. The re-evaluation process allows the minister to second-guess the JAC's first-hand evaluation of candidates without any apparent rationale. This creates a potential for real or perceived political interference.

The presentation brief I provided includes a chart which compares the provinces and territories in respect of four criteria: does the chief judge chair the committee; is a majority of the committee non-government; does the committee recommend a short list; is government precluded from requesting a re-evaluation of the candidates. Manitoba's current process satisfies all four of these indicia of independence, whereas the process resulting from the proposed amendments will satisfy none.

I won't take you through each of the other provinces and territories; the situation varies. I will say that if these amendments are passed, Manitoba's process would be in line only with Nova Scotia, where amendments were passed recently and were met with public criticism. So, the chart is there for your information to illustrate the high standards of independence and depoliticization achieved by Manitoba's current process and the changes that the amendments would bring.

So, on behalf of PJAM, I want to thank you for the opportunity to address the committee this evening.

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

The floor is now open for questions.

Hon. Kelvin Goertzen (Minister of Justice and Attorney General): Thank you, Ms. Dawes, for your representation on behalf of the provincial court judges.

On the two issues you raise, I'm mindful, and I support your position in terms of permissive language as it relates to sexual assault education and the independence of judges. I know this was a very, you know, live issue both in Parliament and in Manitoba, and I think that both sort of landed in the same place in trying to ensure that this important education was happening but also recognizing the independence of judges in their education. So, I think that we've landed in the right place, and I appreciate you restating the position of the provincial judges.

Recognize that funding for education is always an issue–today we tabled the Judicial Compensation Committee that Mr. Werier headed up, which touches somewhat on these matters, but not entirely, I know.

And then, on the issue of judicial appointments–and I recognize that this is always a challenge and–federal government made changes a few years ago that are closely or more aligned with this particular proposal, and there was criticism and comments about that as well. I think it's done okay in terms of the approval process or the appointment process for judges since the federal government made their changes. There will always be criticisms, I think, no matter what the system is.

I appreciate you raising Mr. McCrae's comments. I think, ironically, he was appointed as a judge–citizenship judge; it's different, but–later on–but I have a lot of respect for Mr. McCrae. And I appreciate the comments that you bring, and I know you bring them with the right–on behalf of the judges with all the right intention. And hopefully this system, I think, will be aligned with the federal system, which has proven to, I think, largely be accepted.

But I'm mindful of your comments and I've taken note of them.

S. Dawes: Thank you for that, Minister Goertzen.

Certainly, I was pleased to hear today that the Judicial Compensation Committee report had been tabled. And PJAM, of course, looks forward to timely consideration of that report and, of course, a response from the Legislature to it. Certainly, there is a recommendation in there for an increase in education allowance. As I said, however, the funding for the education that is in respect of Bill 8 would come from the court's core budget and remains a concern for PJAM.

On the other point that you raised about the federal changes to the appointment process and Manitoba aligning with those, I would say this: it's very difficult to sort of quantify or to qualify the appointment process for the judiciary, and I take your comment, Minister Goertzen, that, you know, it's–appears to have done okay in the federal system.

The question is always, how can we ensure that we have the highest quality candidates coming forward and how do we promote that? We promote that through the most independent, the most depoliticized process, in our respectful view.

So thank you for your comments and the answer–the opportunity to answer that.

Ms. Nahanni Fontaine (St. Johns): Miigwech for your presentation this evening.

You know, I have a lot of concerns in respect of the changes in Bill 8, in respect of the 'dudicial' appointments committee. We know that, I guess, in the last year and a bit, there was an appointment process, and names were given to the former minister of Justice, who didn't do anything with those names and kind of sat on that. And then this bill came forward and they made changes to the 'dudicerary'–'dudicial' appointments committee.

I actually think that it's stacking this committee. It's stacking this committee–whether or not the minister agrees with this, and I know that he's saying that there's changes that occurred federally. It's stacking the committee when you have more–you have more folks that are–what was the wording in here? I just want to make sure–the number of committee members who are not lawyers or judges is increased from three members to four members, and then with the removal of the chief judge–to me, that's not good. I think that's stacking that, and that's an opportunity for the government to put in folks that they would like to see that are maybe particularly more aligned with their ideology.

I think that is incredibly scary, particularly when we see what's going on in the States with Roe v. Wade, when we know that Trump put, at every single level, judges that fit his ideology–

Mr. Chairperson: Order. Order.

Sorry to interrupt, but we have run out of time, and I would like to give the presenter an opportunity to provide comments.

Is there leave for the presenter to provide closing comments on her presentation? *[Agreed]*

Go ahead, Ms. Dawes.

S. Dawes: PJAM would not propose to get into the politics of the issue, as Ms. Fontaine has done here, but certainly I reiterate that the view of the association is very much that the current process has a lot of strengths, has been a gold standard across Canada, and that that should inform consideration of the bill.

So, thank you very much and good evening.

Mr. Chairperson: And we thank you for your presentation this evening.

So, we'll move on to Mr. Ian Scarth from the Manitoba Bar Association.

Mr. Scarth, whenever you're ready.

Ian Scarth (Manitoba Bar Association): Good evening, committee, and good evening, Chair.

My name is Ian Scarth. My pronouns are he and him, and I'm president of the Manitoba Bar Association and honoured to be here this evening on Treaty 1 territory in the homeland of the Métis Nation.

The MBA is the Manitoba branch of the Canadian Bar Association and the voice of the legal profession in Canada.

Mr. Vice-Chairperson in the Chair

Here in Manitoba, we have approximately 1,650 members, consisting of lawyers, legal academics, law students and members of the judiciary.

We're distinct from the Law Society in Manitoba, which is the regulatory body of the profession. The Bar Association not only advocates for the interests of its members, it also advocates for core–certain core principles, one of those being the rule of law, which also requires the independent judiciary free from any influence from other branches of government, including the executive and the Legislature. The Manitoba Bar Association enjoys a relationship with all of government representatives in consultation over legislative amendments, whether it's their party or another party, to determine what is the best for the law, and that's where I attend before you today.

***** (20:00)

An independent judiciary is fundamental to maintaining public confidence in the judicial system, and I'm here to adjust Bill 8 and the impact it will have on the independence of the judiciary and the public conference in–confidence in the administration of justice.

Two specific concerns I intend to address: (1) the amendments respecting the judicial appointment process, and (2) the amendments concerning judicial education; and I intend to spend more on the first topic, as my friend has so eloquently addressed the second.

The judicial appointment process–the legislative changes that were introduced to the House were introduced on the basis that they had a couple of changes and effects: (1) they were to enhance the accountability of the appointment committee, (2) they were to better inform the minister's selection of appointees while retaining confidentiality, and (3) the composition of the committee will ensure a balance. No explanation was provided beyond this and no consultation with the stakeholders of the committee, and that includes the Law Society of Manitoba, the Manitoba Bar Association. That also includes the chief judge or the judges of the court.

As the president of the Manitoba Bar Association, I've had the distinct honour of serving on the Judicial Appointments Committee and can advise that the committee, in its current form, is highly effective, accountable and balanced. The current process was established following recommendations of Manitoba's Law Reform Commission and extensive consultations between the government, the chief judge and two judges of the court. The result–a judicial appointment process which separated the responsibility of the committee from the government and limited the influence that the government could have on judicial appointments. With the exception of two senior judges appointed in 1988, all of our current Provincial Court judges have been selected under the current legislation. Most recently, a provincial judge in Thompson, Manitoba was appointed under this process, not withstanding the amendments before the House.

The Provincial Court has a roster of highly qualified judges who serve the Manitoba population on a daily basis. It is known as a court of excellence due to the appointment of highly qualified and diverse set of candidates. The amendments proposed by Bill 8 will disrupt the current selection process that has served Manitoba well for almost 35 years and have the effect of politicizing the selection process.

Mr. Chairperson in the Chair

The first change in the first amendment relates to the chief judge being removed as the chair. In the current process, the chief judge is responsible for organizing the committee, carrying out vital administrative functions. Although the chief judge is responsible for the administrative side, no one voice on the committee carries any more weight, and this includes the chief judge; it's all one vote. Each member of the committee is afforded the opportunity to provide input, and only after a thorough review of the application package and a discussion would a selection take place.

Removing the chief judge and precluding another judge from acting as chair will place the obligation on another member of the committee–whether the president of the Law Society, the president of the Manitoba Bar Association or a layperson–to fulfill that administrative role on this committee. This will simply not be possible, as no administrative infrastructure exists and could create a multitude of issues relating to the proper governance of the committee, delays and breach of the strict confidence that the committee holds in interviewing all of its–the people who apply.

In other jurisdictions where the chief judge is not the chair, an administrative structure is arranged to manage and deal with the collection of information and arranging of meetings. It's not the case in Manitoba; that infrastructure doesn't exist. Currently, the chief judge is responsible for that. Removing the chief judge from that role takes away that security of that process.

In addition to administrative difficulties, the diminished role of the chief judge on a committee

weakens the committee's independence from government, especially considering that the minister may now call for re-evaluations. I'd encourage you–and I know you have–to read that legislation carefully, where it says that the minister may call for re-evaluation, but then says the committee must. Now you have a minister who is potentially calling the president of the Law Society, president of the Manitoba Bar Association or a layperson and requesting that re-evaluation. I just ask you to consider whether or not, in the circumstances, that that will overstep the bounds of the judicial independence.

The composition of the JAC–one of the proposed amendments is to add a fourth person, and the concern of a fourth person is that now we have an imbalance. Whereas before there were two judges, the president of the bar and the president of the Law Society, and then you had three lay people to balance it out, the majority of non-government appointees, now you have a balance with four government appointees coming forward to speak to this committee. That allows the government to place four people through order-in-council on this committee to provide perspective as to what and who should be appointed.

Now, the values and the insight brought by the lay people is invaluable to the committee. They bring a fresh view that's not from anybody who would know these people, and they review the applications on that basis, and, again, their comments are invaluable. But the government's appointees cannot be seen to unbalance the other control mechanisms that's been built within this legislation that, again, has existed for 35 years.

So a fourth person can have the effect of diminishing the public perception and that the committee is no longer independent from government interference. And I say this with all due respect to this being proposed forward, but the question is why, after 35 years, has this now been proposed when we have also have other appointments coming through?

Increasing the number of candidates provided to the minister also has a number of concerns. Some have been outlined by my friend, but the previous process after the interview is selection, vetting, reviewing applications, interviewing everyone–three to six candidates were put forward to the minister for selection and the minister had then had the opportunity to review that list and choose from those candidates to select an appointment.

Now, all candidates who apply must be put to the minister so that the minister can evaluate whether or not anybody else should be given reconsideration. We say that that's just too invasive of the government to have their hands into a committee appointing judges, and that erodes the necessary judicial independence.

The–I've already spoken about it, but the minister's ability to request a re-evaluation of a candidate effectively allows the minister to second-guess the committee's decision and all the work that they've done; that is, reviewing the applications, interviewing the candidates and having thorough discussions that involve, again, all of the people who are currently on the committee.

There's also concerns over lack of consultation. One question that means to be addressed, given how this legislation originally came in, is why wasn't the MBA, the Law Reform Commission, the Law Society or the Provincial Court consulted about the changes in advance of obtaining an–excuse me–in advance to obtain their perspectives about the operation of the committee? I don't have an answer. The MBA wasn't consulted.

If we were consulted in advance, our response would have been that the system has proven to be strong. Show me a candidate who hasn't been strong. Show me a concern with this. Show me a concern that has come forward, we'll address it. We also represent 1,650 members, and no concerns were brought before our members that is requiring changes to the Provincial Court nominating process.

As the voice of the profession, we would have been alerted to the concerns and we'd would raise those directly with the minister or the Justice critic, or any other members who would–we'd be able to speak to.

Yet, Bill 8, without consultation, proposes changes that will have the effect of increasing the political influence, undermining public trust in judicial appointments.

I'll make some very brief comments because I know I'm running out of time. I spent most of my time on the first issue, as I said. The concern over the mandatory education is the government inserting itself into the judiciary and putting too much emphasis and creating a window into governing what judges do.

Currently, our judicial education is planned and implemented under the judge–direction of the chief judge and education committee. They already receive education on matters related to sexual assault and social context. Any legislative influence over judicial education raises concerns, as the effect can impact the

public perception of judicial independence. To impose requirements erodes the separation of powers and impacts the public confidence.

I'd be happy to address any questions as my time runs out.

Mr. Chairperson: We thank–Mr. Scarth, thank you for your presentation.

Now the floor is now open for questions.

Mr. Goertzen: Thank you, Mr. Scarth, for your presentation.

I know I've only been in this role briefly but I've appreciated our interactions that we've had in this relatively short period of time.

Just, while I have the chance, the previous presenter mentioned a comment that I'd indicated the federal system was going okay, and, of course, what I meant by that wasn't that–well, it was just okay in terms of the process but in terms of the feeling that it was independent. I think people feel that it is still quite independent on the federal side. So, that was really my comment there, that in–from a political perspective that the feeling is that the Liberal government and the previous governments, that it's gone well.

To your comments, in particular, I think the challenge sometimes, Mr. Scarth, here is that, you know, there's often a feeling that because, you know, folks are appointed to a particular committee by the government, that they somehow must then be simply acting at the will or have a connection to the government. That's not always proven to be true.

You know, I can give you some pretty dramatic and recent examples even within our own government, where appointees had very different views from the government, and I don't think that that's unusual, actually, in many governments. I want to sort of disabuse, maybe, that idea that those who are appointed by the government always have a view and those who are not appointed by the government, of course, go in with no views and are completely impartial. And that is because it still is the requirement of the government to appoint good people into positions that they're qualified for and that will act responsibly. And regardless of the composition, that is still, you know, a fundamental factor in all of these things and, I think, particularly true when it comes to this particular committee.

***** (20:10)

So, I take that role seriously, and the people that get appointed to those positions, I take it very seriously. And my expectation is that anybody who would be a successor in my role would do the same. And so I take your cautions and appreciate you bringing them to the committee tonight.

I. Scarth: Thank you, Minister Goertzen. My comment on the federal versus the Manitoba process is, is the federal process appropriate for Manitoba, and the consideration of that is effectively the minister in receiving all of the nominations that the minister receives from across Canada. It's a blanket process.

The table of concordance that was given out by my friend suggests that provinces are different–they have to be tailored to the province for that appointment process. And Manitoba is distinct and we like to make sure that our judges not only represent our distinct population, and for that purpose, we need the Judicial Appointments Committee to stay the way it is. In relation to anybody appointed, the–it's the potential there that four people can be placed, whereas before it was three. And I just don't understand–and not expecting it to be answered–but the reason to increase it to four people and the rationale behind that in terms of how it's supposed to balance a judicial nominating committee, with eight people instead of seven.

Ms. Fontaine: Miigwech for your presentation this evening.

Again, I think, you know, the material point to this bill is, like, nobody in 35 years–nobody–asked for the judicial committee appointment–or the Judicial Appointments Committee to be changed. It works good, the public has faith in it, it's operated in a good way, in an equitable way. Nobody asked for these changes. And so I think that that's really important to note.

And then, you know, I know that the minister is, you know, trying to kind of infer that, you know, if they appoint an extra person–so now it's stacked–that, you know, doesn't necessarily mean that that person kind of leans towards conservative views or whatever they might–but I want to disabuse him of that. He–I'm going to say that, you know, whoever the PC government appoints to this Judicial Appointments Committee will somehow be in line with what they're–what the government feels are its priorities. And, you know, sorry; I know that the minister is saying, like, just trust us, it's going to be okay; just trust us, we're going to appoint somebody who's unbiased, who doesn't have their own opinions.

We know in the real world that that doesn't–that that's not accurate, that's not right. And so, again, I just want to put out there, nobody asked for these changes–nobody.

Miigwech.

I. Scarth: Thank you for your comments. Brief reply with the time I have left.

If changes were necessary, the judicial nominating committee should have been approached. The Manitoba Bar Association or any of the stakeholders should have been approached for consultations so that we could have seen the overall reaction or any sort of concerns that were being raised as to why this needs to be changed, or why these amendments need to be changed. And that consultation didn't happen, which is why we're asking you, and I appreciate the opportunity to speak to have that consideration in your debates.

Thank you.

Mr. Chairperson: And we thank you very much for joining us this evening.

Next we'll move on to the Criminal Defence Lawyers Association of Manitoba, and Ms. Lisa LaBossiere. Thank you.

Ms. LaBossiere, the podium is yours.

Lisa LaBossiere (Criminal Defence Lawyers Association of Manitoba): Good evening, Chair, and good evening, committee. Again, my name is Lisa LaBossiere, and I am on the executive for the Criminal Defence Lawyers Association of Manitoba.

For those of you who don't know, we are an organization whose membership is made up exclusively of practising defence lawyers here in the province of Manitoba. This includes defence lawyers from the private bar, also defence lawyers from Legal Aid Manitoba. Can tell you that we represent individuals, accused people, who are in conflict with the law in all areas of Manitoba, including and not limited to Winnipeg, Brandon, Thompson, The Pas, Portage la Prairie, circuits from the various communities and 'remort'–remote, rather, northern communities as well.

Now, the CDLAM seeks to uphold the integrity and independence of criminal defence lawyers as a key stakeholder in our criminal justice system. We work with other stakeholders including provincial and federal governments, the judiciary and the public to educate and inform about our important role maintaining the rule of law. We also work to safeguard the rights enshrined in the Charter of Rights and Freedoms and other important aspects of the rule of law, including that all persons, institutions and entities, public and private, are accountable to laws that are equally enforced and independently adjudicated. And it's within that background I make the following presentation.

I am here on behalf of the defence lawyers association of Manitoba to express concern with respect to several aspects of Bill 8. I'm going to keep my comments brief. You've already heard two very thorough submissions on these particular issues, but we certainly do have a different perspective in that we are defence lawyers and that we are–it's very important to us to ensure that the system is one that is fair and one that, again, at the end of the day promotes a good justice system.

Now, first, I want to speak about the amendments to The Provincial Court Act that speaks about the appointment process, and that's section 3.3(2) in Bill 8. And, essentially, what that amendment is speaking to is a change in composition of the committee in terms of the numbers of individuals in the committee and also who the chair is. Currently, the committee is apprised of seven members. So it's a seven-member panel. There are three politically appointed members who are non-lawyers and three lawyers, which you've heard, are from the Law Society of Manitoba, the Manitoba Bar Association and I can–and also, you've heard, that there is two judges, one that is the president of the association of judges and also the chief who chairs that particular committee.

Now, Bill 8 increases the number of politically appointed non-lawyers to four. And if I can say, and it's not speaking out of turn, I would respectfully submit on behalf of the CDLAM that Ms. Fontaine in her questions earlier on has really hit the nail on the head with respect to what the concern is, there. And, you know, at the end of the day, in addition to that, we also have a chair who is not–no longer the chief judge, which is also concerning.

So the effect of this, or the appearance of this, rather, with the greatest of respect, is really increasing the political nature of the process. What is the other–what is the reason for removing the chief judge as chair? What is the reason for adding another politically appointed member? I respectfully submit on behalf of the CDLAM–and again, perhaps using the words stacking the committee may not be words that I should necessarily use, but I don't necessarily

think that that is incorrect in terms of how that may appear.

I can also indicate that the amendments allow–the way that they are now, the proposed amendments would allow a non-lawyer to chair this particular committee who would be dealing with highly confidential documents about lawyers who are applying to be judges of this court. There is very sensitive information about lawyers which are shared, including criminal record checks, law society checks. There are lawyers who are applying in confidence, who are potentially risking their positions within their own firms, their positions within the bar.

And what will that process look like? How will confidentiality under the new proposed amendments be maintained now that confidentiality is maintained within the chief's office–and I understand, is guarded very carefully. The chief judge is not only a trained lawyer, but the chief of the court who certainly can maintain and does maintain confidentiality to the highest degree.

And with respect to removing the chief as chair, we could also respectfully submit that the chief or at very least a judge is in the best position to determine the needs of the court. They are in the best position to lead the discussion on the expertise that's required, on what experience would make a good judge. They can provide advice on the skills required and have a lot of experience on the temperament that a judge should have.

* (20:20)

We submit that it's in the interest of the public to have a judicial appointment process where the court is independent from government influence.

The amendments and this particular case we submit do the exact opposite. They appear to enhance government influence in the process of appointing judges. And we say that the politicization of this process continues with further amendments that are before you in Bill 8.

The new proposed 3.6(1), those amendments would require the entire list of candidates, provided they meet the baseline requirements to be provided to the minister. Currently, the way the system is now, that the committee prepares a list of qualified candidates, no less than three, no more than six per vacant position, and that is send over–sent over to the minister's office.

In effect, this particular amendment allows the minister to review the entire list, to select from the entire list rather than the names vetted by the committee. And again, these names vetted by the committee are based on the current needs of the court, ensuring that the bench reflects the diverse population of Manitobans. It takes into account thorough–as I understand it–are very thorough interviews, takes into account judicial independence and, as I said before, appropriate judicial temperament.

Arguably, the reason for a committee in the first place is to remove the broader selection process away from government, which we say at the end of the day enhances transparency, fairness and confidence in the justice system.

In terms of an additional proposed amendment which compounds the concerns that I've already shared, section 3.6(2) and 3.6(3) in essence is a request for re-evaluation. So, in essence, if the minister disagrees with the committee's evaluation of a candidate, they can request it go back and be re-evaluated–to what end does that re-evaluation. With the greatest of respect, it appears to be just paying lip service to the committee.

The committee has again come up with names and recommendations based on interviews, checks, discussions and have recommended highly quality candidates; and in some cases, they may not be recommending certain candidates for very valid reasons.

This particular re-evaluation could appear to be a signal to the committee that the government wants this person to be appointed. Again, this is not consistent with transparency nor an independent process and we say that it weakens the public's confidence in the administration of justice.

We say that this proposed process is a process, again, with the greatest of respect, that is deeply influenced by government and politics, whoever that government might be. In essence, again, these changes or proposed changes, we respectfully submit, devalue the important work that the committee does and is, essentially–and perhaps this is using strong language–but, essentially, stripping the committee from true selection power.

So, in conclusion, I would ask that you consider the comments made and make a decision consistent with enhancing the rule of law and enhancing the public's confidence in the administration of justice.

And we submit this proposed bill does the exact opposite.

So, thank you very much for listening to my presentation.

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

The floor is now open for questions.

Mr. Goertzen: Thank you, Ms. LaBossiere, for your presentation and your work with C-D-L-M.

You know, one of the reasons why the federal government went to a new process was they believed that they wanted to make sure the court was reflective, and they thought having a broader list to select from would do that, which is sort of the counter-argument that you're making here. So I think sometimes your argument is getting used both ways.

I have heard from those in the defence bar who've said that it's important to make sure that there are a number of defence lawyers, those with that background, being appointed to the judiciary, because they bring sort of administrative skills. I understand their argument. I agree with the rationale for it. I think we appointed, most recently, a defence bar lawyer in Thompson, so I understand that.

I get your point on confidentiality. I've made note of that and will take that back.

On the issue of board composition, you know, I think part of the challenge is, my experience with boards is that where there are subject matter experts on boards, regardless of how many they are, compared to lay people on those boards, they have a disproportionate influence–as they probably should because they're subject matter experts.

And so I'm not convinced that, you know, the chief judge and the lawyers who will be on that committee won't continue to have more influence than others because they're subject matter experts. And I think that's true for most boards, where there are subject matter experts, and that's probably as it should be, and that lay people just sort of bring a different perspective but tend to perhaps have less influence as a result of that.

But I understand the concerns that you've raised and taken note of them. And again, only been a short period of time since we've been interacting in these particular roles, but I've appreciated your comments in the past and took them to heart in terms of the good work of the defence bar and the importance of having them represented on the judiciary as well.

L. LaBossiere: Just to respond briefly to two comments made by Mr. Goertzen. First, with respect to the comment he made about the broader list being provided and how–I'm going to sort of sum up what he said–that could be a good thing, and is sort of looking at the argument on the other side of the coin.

But again, I go back to how the government, not having been on the committee, could possibly be in a position to determine who would be the best fit for that particular job, given the needs of the court and everything that the committee already did, including those interviews.

And again, just with respect to the comments about adding another individual in terms of the political appointment, I guess all I can say in response is, why? There really is no why. And why is it that the chief is–being suggested that the chief be removed as chair? Like, why is that?

And at the end of the day, I think the answer to why is not necessarily something that–maybe I can say, at the end of the day, the answer is really the appearance that this is tied to politics. Because there really is no other why, with the greatest of respect.

Ms. Fontaine: Miigwech for your presentation this evening. I appreciate all of the words that you're putting on the official record for all to see as we kind of move through this process.

I know the minister keeps talking about, like, the challenges, and the challenges, but again, I want to go back to the point that, like, what challenge? This is a challenge that's being made or proposed, or kind of, you know, spun from the government's making. Like, again, in 35 years, nobody asked for any changes to the Judicial Appointments Committee–nobody. Absolutely nobody asked for it. And so I don't know, when the minister says, the challenge is–there is no challenge. The committee's been working fine for 35 years.

And so, you know, I think that these changes–again, let me just say, I think are very dangerous. They undermine the–you know, this is–it undermines that this isn't a political, then, process, moving forward, here, and who the government of the day wants to have in that position.

What if you have a government that doesn't actually appreciate defence lawyers and doesn't appreciate lawyers that fight for, you know, those that are

in conflict with the law because of drugs, or whatever it may be? What if you have a government of the day that doesn't want those folks appointed? That's really dangerous for our judiciary.

And so, again, I thank you for you being here, tonight, and I appreciate all your expertise.

Mr. Chairperson: Ms. LaBossiere–I know we have very few seconds left but–

L. LaBossiere: Yes, just very briefly in reply, I think the reverse to what Ms. Fontaine also said is true: what if we have a government who wants to appoint only, you know, bleeding-heart individuals who want to release everyone from prison and don't necessarily want people held accountable? That's a very stark example that I'm providing, but the reverse is also true, and again, I'd agree, dangerous. Thank you.

Mr. Chairperson: Thank you very much for joining us this evening.

Bill 17–The Family Law Act, The Family Support Enforcement Act and The Inter-jurisdictional Support Orders Amendment Act

Mr. Chairperson: So, our next presenter is on Bill 17, The Family Law Act, The Family Support Enforcement Act and The Inter-jurisdictional Support Orders Amendment Act: Lawrence Pinsky, from the family arbitration and mediation institute.

* (20:30)

And Mr. Pinsky is online, I believe, so if you could turn your camera on when you're ready.

Mr. Pinsky, thank you for joining us this evening. The floor is yours.

Mr. Pinsky, we cannot hear you, so you might be muted.

Lawrence Pinsky (Family Arbitration and Mediation Legal Institute): I was muted. Many of my colleagues have long asked for me to be muted, and I did it right there.

So, thank you. Good evening, Mr. Chair, Mr. Minister and honoured members. I also would acknowledge that we're gathered on Treaty 1 territory and that Manitoba is located on treaty territories and ancestral lands of Indigenous, Métis and Inuit people.

Unlike other presenters this evening on other bills, I come to praise the legislation put forward, but also humbly offer a little bit of input with respect to The Family Law Act.

I'm here on behalf of FAMLI, F-A-M-L-I, which is the Family Arbitration and Mediation Legal Institute. It's a non-for-profit entity that's of recent vintage. I am one of the founders of it. We have over 30 professionals serving the public–mostly family lawyers, but also some mental health and financial professionals are members, as well.

Family law in Manitoba has evolved into a layered system of justice. The court, of course, remains present, and as a unified family court in Manitoba–the second in Canada–it remains a specialized service that delivers excellent service overall. But beyond that, there's space for mediation and arbitration, and that's what FAMLI does: it gives early, excellent access to a decider trained in family law.

I pause there to–here to note that the social science is very clear that early intervention by a professional–by a decider, who's trained in the area–is absolutely critical in making sure that families don't–who are separated don't continue down a path that is less than what would be expected or wanted for children overall, for their best interests, or for the families themselves. As you can imagine, on separation, it's a highly emotive time, and permitting people to–without that input, to continue down paths that are less than what one would hope, obviously isn't in their interest or in the best interest of children.

In FAMLI, arbitrators are trained; they have over 10 years experience practising primarily in family law. They're trained in domestic violence issues such as screening. And by permitting this–and it actually enhances–and I'll mention why I raise this in a moment–it allows for early intervention; it allows for privacy–that is, when we have arbitration; it allows for the appointment of a knowledgeable person to deal with whatever the issue happens to be; it permits confidentiality, less formality, and really, a bespoke process that consists of fairness, meeting standards of natural justice and, of course, follows Manitoba and Canadian law. The result is a faster, more efficient delivery of justice.

I pause here to note that the court has evolved into a system now where there's all sorts of preliminary requirements before one can see a judge. There are all sorts of opportunities to settle matters, but until one can get before a judge, it can be many, many thousands of dollars and lots of time–time that's wasted, where families can continue down a wrong path. And that's where, really, we have this multilayered system where arbitration and mediation comes in.

I should say that I'm honoured to speak to you this evening. I'm a former provincial and national chair of the family section of the Manitoba Bar Association, the Canadian Bar Association. I was privileged to advocate with many others for changes to the Divorce Act. I had the honour of being the national chair of the family section when we wrote to the Justice Minister federally, seeking some of the amendments that became the amended Divorce Act, and I commend the government now for this piece of legislation that really advocates consistency between the federal legislation and here in Manitoba.

So, I should say, as well, that I commend all of you for working together. I read the Hansard with respect to second reading, and it's consistent, I must say, with all the years that I've been doing this and seeing what all members of all sides have done, both federally and provincially. I worked with the Conservative Minister of Justice, at the time, to seek changes to relocation provisions, that was Mr. MacKay, federally; with the Liberal Minister of Justice, federally, Mr. Lametti. I worked with the former NDP government ministers Mr. Mackintosh and Mr. Swan. I had consultations with the current minister, at the time–I don't know if he would recall that.

But I'm happy to say that political considerations in Manitoba and, I think, in Canada generally have taken a backseat when it comes to this type of legislation, and that's a positive thing. By coincidence, I happen to be facing south where I'm sitting at the moment, and we are not following what we see down south in terms of family law types of legislation, so that's a good thing.

I want to commend the government for including, in family dispute-resolution processes, family arbitration and mediation. Most definitely a positive step and an advance. In our jurisdiction–I can tell you that I've had requests from members of the bar in other jurisdictions asking me to tell them as soon as this is passed because they want to lobby their provincial governments to copy ours and include the specific mention of arbitration. It's fair to say that in the Divorce Act, the issue of family arbitration is implied, though not stated, though other things are, in terms of their requirement on counsel to engage in ADR.

I want to commend the government, as well, for its definition of family violence in the act and the use of terms like coercive control. That's a positive thing.

Nothing I say here tonight should be taken to suggest that there should be any delay in the passage of this law–of this bill, rather, but I do suggest that maybe it might be time to take a look at the definition of domestic violence in The Domestic Violence and Stalking Act and consider whether the definition there ought to reflect what we have here. It's more inclusive. It's broader. There is a philosophical argument to say that maybe a JJP ought not have as much power to deal with that. I don't think that that should carry the day, but rather, in the future there should be some drive to consistency overall, I would suggest.

I would suggest, as well, that in the definition of marriage-like relationship–again, not to imply that there should be any delay in passing this bill–but as society moves in the direction it's moving in, it's going to require some thought to situations where more than two people are living together in a conjugal relationship. And this bill only contemplates that. That's not to say that FAMLI is advocating for more than two people in a relationship, for or against, it's just that as society changes, family law has to change. And this bill, in part, goes a long way in recognizing that.

Another issue that I'd want to bring to all of your attention is the duties on parties. It's–our submission is that it ought to comply with and reflect duties in section 35, that is, that parents should have a duty to promote all of the same best-interest factors that are set out in section 35, including ensuring that the child has as much time with each parent as is consistent with the child's best interest. That's in section 38, but in 38 it's for judges to consider.

My suggestion, if it meets with the pleasure of all parties–but not if it causes any delay at all–is to say that there should be an active duty on parents to ensure that very same concept: maximization of time, but only consistent with best interest. Not maximizing of roles. I'm just suggesting–FAMLI is suggesting that that concept where the court has to look at it should also be a duty on parents, on parties where children are involved.

I do note that in second reading, the–and I mean this–the honourable members from St. Johns and River Heights, who I respect a great deal, had suggested that alienation is–has been debunked or words to that effect. That isn't actually accurate, with all due respect–and again, I mean that.

The reality is that it's much more nuanced. There are alignments; there are, in rare cases, alienation that's not justified. We've seen it anecdotally. We see it in the literature. And to suggest that that's not the case is, in fact, a problem. It is the case in some cases. It's most often–it's more nuanced than that, where you

have some reason, some issue and some back-and-forth. But in some cases, it's actually present.

Many of us practitioners have seen cases like that. Some of us have them right now. And that reality exists on a spectrum. So, I'm just inviting the honourable minister and the other members to consider if including the duty to maximize time, consistent with best interests but not otherwise, that that be reflected on a parent's duty as well.

* (20:40)

In terms of the duty on counsel, there's a question in section 9.1(a). It seems to me a rather an implied concept, that there's a requirement for counsel to undertake a form of domestic violence screening. And I can talk about that more later.

There may be some thought that's given to actually expressing that directly–

Mr. Chairperson: Mr. Pinsky, thank you very much.

Our time has run out on your presentation, so I am going to open the floor up for questions.

Hon. Kelvin Goertzen (Minister of Justice and Attorney General): I wonder if there's leave for Mr. Pinsky just to conclude his remarks. He had some helpful suggestions and I think he was probably close to the end.

Mr. Chairperson: Thank you very much for that, Minister.

Is there leave to allow Mr. Pinsky to continue with his presentation? *[Agreed]*

Mr. Pinsky, please conclude.

L. Pinsky: I thank the minister and the honourable members.

I'll just conclude quickly to say that we offer kudos to the government for proceeding as they have, and I also wanted to point out, as well, two final points.

One is that Family Resolution Service requires some additional help in funding. They've gone through some difficult times in their staffing and other issues, and to get the voice of the child before the court, which is critical–and Canada, of course, is a signatory to the UN convention; that's terribly important.

Finally, on relocation issues, again we reflect what's in the Divorce Act, and I would just add in that our regulations should be crystal clear because there've been some problems in Canada about this. In-person service, unless there's a court order saying otherwise–there's one case where the requirement to give notice was dispensed with, at least initially, or suspended, which I could talk about more subsequently. It's–important thing where there's domestic violence. But where there isn't any, there should be personal service so that it's not a situation where one person says, oh, I mailed it and then I left, and the left-behind parent is left having to scratch back and the court is left in a terrible position of having to bring a child back.

So, personal service would be an innovative and positive thing and consistent with the spirit of both the Divorce Act and these amendments, which are all consistent with the best interests of the children.

So, that concludes my initial comments, subject to any questions that you may have.

Mr. Chairperson: And once again we thank you very much for your presentation.

And we will open the floor up to questions.

Mr. Goertzen: Yes, Mr. Pinsky, thank you again very much.

Just so you know, officials of–from the department are online and taking notes on the suggestions. And I think some of them are very helpful, whether they can be incorporated now or in subsequent amendments, and–because I know that some of them relate to other bills, it is noted and I think they'll be followed up on. So, thank you for doing that.

You made the point about early intervention, which is true, and I think that we're learning that the earlier we can intervene the better, so thank you for the work that you and those who you work with do.

And then, finally, you know, you mentioned, I think rightly, that legislators in Manitoba tend to work together on these bills. I think there's two reasons for that: one is that family law is a complicated enough area of law that most of us don't quite understand it in a way to be too argumentative, but secondly, even if we don't understand the substance always to the degree that you do as a subject-matter expert, we all have the same motivation: we believe that we should be able to reduce conflict and have the best interests of children at play as much as we can. So, we're driven by the same motivation, but don't always have the clear knowledge of how to gain that–those motivations.

So, you know, to the extent that you can continue to provide advice in the future on how to fulfill those motivations for us as legislators in all political parties, I think we'll appreciate that.

So, thank you again.

L. Pinsky: I want to thank the honourable minister and just say my colleagues across Canada used to call it the Manitoba miracle.

We have fantastic judges here. We have politicians who listen and there's an excellent staff at the family law branch, as well, who listen as well. And FAMLI, our organization, will always be available to try to put Manitoba families first, as all of us are doing, even if the way it's being done is slightly different from time to time–bill 33 versus this one, for example. But we're all here to help and I agree with what you said.

Thank you, Mr. Minister.

Ms. Nahanni Fontaine (St. Johns): Miigwech for your presentation.

I'm not going to take up too much time. I just want to revisit parental alienation. I know you're saying that that's, in fact, wrong, and it's more nuanced than that. I don't disagree that it's more nuanced, but let me just say this: I think in the 1980s, the American Psychological Association debunked parental alienation. And one of the reasons why is because that it's often used by men, in custody arrangements, who have had a history of being abusive either to their wife or to their children, and then it constructs the man–the father, the husband, whatever it may be–as the victim in this case. And that's what parental alienation has been used to do, is to divert attention from the abuse of this man and to undermine the woman who was seeking custody.

And, you know, it's part of this, like, men's right movement–as if men don't have any rights before the courts–I mean, everything is for men, by men, in all of its capacities. So, I would disabuse that it hasn't been debunked. It has been debunked, and it's used as a tool against women in the courts.

Miigwech.

L. Pinsky: Yes, I thank the member.

It's fair enough to say that–Dr. Warshak was the one who came up with the theory. And it was used initially, quite radically, to say in every case, right, where you have an abuser, you have someone–a parent who had nothing to do with their child, and the–or, was abusive in some way, and then the child said, I don't want to have anything to do with this person, and that kept being called parental alienation, which was inaccurate.

So, if that's what the member meant, that is fair and true. If, however, it meant that in all cases that there's no such thing as parental alienation, that's not correct, I say with respect.

And the other thing I say, as well, is it's unquestionable that most domestic violence occurs against women. There's no question about that. And some groups try to advocate for something else. The social science simply doesn't support that. That doesn't mean that all abuse is men abusing women. In some cases–very much the minority–it's women who are abusive to men and abusive to their children. But a minority of cases.

So we have to be careful with our language, I would submit to all of you, and it's fair enough to say that we have to be sensitive about parental alienation issues but not use it as a blanket, as the honourable member mentioned.

But thank you for the opportunity to respond.

Mr. Chairperson: Thank you very much.

Any further questions?

Hon. Jon Gerrard (River Heights): Okay.

We have the opportunity to bring in amendments.

If you had a choice–in a very few moments–which would be the amendment you would bring in?

Mr. Chairperson: Okay. I'm just going to ask if we could have leave, as we're running out of time, for Mr. Pinsky to provide an answer. Do we have leave? *[Agreed]*

Mr. Pinsky, go ahead.

L. Pinsky: Thank you, all of you, for permitting me leave to respond to that.

Again, I would hasten to say that please don't postpone passage of the bill. So that's number 1.

Number 2, the–if I could do two, and one may be by regulation: service for relocation is absolutely critical, but the most critical, if you're actually amending, is the duty on the parent to facilitate the greatest amount of parenting responsibility but only consistent with the best interests of the child. That would be the top one.

I think that the piece about service of relocation probably can be by regulations, subject to your staff, who know far more about it than I do. But if that can be done by regulation, you don't need it in amendment. But those would be the two.

Otherwise, fantastic bill. Well done to all of you for permitting it to go through.

Mr. Chairperson: Mr. Pinsky, thank you again for joining us this evening and providing your presentation.

Bill 2–The Public Services Sustainability Repeal Act
(Continued)

Mr. Chairperson: So, we will move back to Bill 2, The Public Services Sustainability Repeal Act.

Our presenter on the list was Bob Moroz from the Manitoba Association of Health Care Professionals, but we have been informed that Mr. Moroz is unable to present this evening. Instead, he has made a written submission which is now being distributed to members.

Does the committee agree to have Mr. Moroz's written submission appear in the Hansard transcript of this meeting? *[Agreed]* Thank you so much.

So now we'll call on Mr. Mike Howden. Is Mr. Mike Howden with us this evening? And he's not on the call.

So that will conclude our presentations for this evening.

* * *

So, we will now look at the bills before us. What order does the committee wish to proceed with the clause-by-clause consideration of these bills?

***** (20:50)

Mr. Goertzen: I believe that it's often been in the case in the past when we've had flooding like we do in Manitoba that we do our best to accommodate the minister responsible for trying to mitigate the flooding because he's got many things to do, and so I would suggest that we do the bills that relate to the Minister of Infrastructure and Transportation first, and then, following his bills, we can do them in numerical order, starting with the lowest number.

Mr. Chairperson: So, we have before us the idea of presenting the bills by Minister Piwniuk with Infrastructure and–first, and then proceeding to numerical order after that, which would give us bills 15, 21, then 2, 8 and 17. All agreed? *[Agreed]*

Bill 15–The Drivers and Vehicles Amendment and Highway Traffic Amendment Act

Mr. Chairperson: So, we will move to Bill 15.

Now, does the minister responsible–oh, sorry. Does the minister responsible for Bill 15 have an opening statement?

Hon. Doyle Piwniuk (Minister of Transportation and Infrastructure): Yes, I do, Mr. Chair.

Good evening, Mr. Chair and members of the committee. I'm pleased to be here tonight to discuss Bill 15, The Drivers and Vehicles Amendment and Highway Traffic Amendment Act. We introduced this bill to–as part of the Manitoba government's commitment to improve service delivery and reduce red tape for our citizens.

Bill 15 introduced three key changes. The first change relates to the medical review committee, which is an administrative tribunal that hears appeals when a person's driver's licence has been suspended, cancelled or refused on medical grounds. Currently, the medical review committee consists of five members, including at least three medical practitioners. Under The Highway Traffic Act, they must be a neurologist, a cardiologist, a general practitioner and an ophthalmologist or optometrist. Each case is heard by a minimum of three members within the appropriate expertise.

This bill will remove the medical specialities from the acts. This is, indeed, because having the specialties in–legislated makes a difference in the committee to have enough qualified members to hear appeals in a timely fashion.

Instead, we are proposing that qualifications for members be set by policy based on the medical needs of cases. This will be a more flexible process that will reduce delays in hearing appeals, and this will be important, because whether or not the person can drive may have major implications on their individual lifestyle.

I would also like to mention that there is no intention to remove the existing medical specialties from the board itself, and the policy will reflect that. That intent is to have ability to include other areas where expertise is needed.

The second change made by this bill is to allow online reporting to the police when a driver is

involved with a certain type of motor vehicle accidents or hit and runs. During the COVID-19 pandemic, the Manitoba government allowed temporary online police reporting for these incidents since the police detachments were not open to in-person reporting. This bill will make these changes permanent and which is–lessen the administrative burden on the public and the employees.

Lastly, the third change made by the bill is to allow the Licence Suspension Appeal Board to hear appeals from commercial vehicle operators when their safety fitness certificate has been suspended or cancelled. Currently these appeals come from–to the Minister of Transportation and Infrastructure. Having the Licence Suspension Appeal Board hear these appeals makes more sense, as the board is independent and has an appropriate expertise to hear these types of appeals.

Manitoba Transportation and Infrastructure believes that Bill 15 has strong support from stakeholders and the public and will improve the way that citizens interact with government and decrease wait times.

As a final comment, I would like to take this opportunity to thank all those who provided input and support for this bill.

Thank you, Mr. Chair.

Mr. Chairperson: And we thank the minister.

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

Mr. Matt Wiebe (Concordia): I'm happy to put a few words on the record with regards to Bill 15, the Drivers and Vehicles Amendment and Highway Traffic Amendment Act. This bill amends The Drivers and Vehicles Act and The Highway Traffic Act in three respects.

Through The Highway Traffic Act, medical practitioners report to the registrar of motor vehicles when a person's physical health impedes their ability to drive a vehicle. Within the same legislation exists a provision about the medical review committee, which is now being moved to The Drivers and Vehicles Act.

Appreciate the words on the record from the minister with regards to the composition of the committee. We continue to monitor to that and appreciate, as we go through the legislative process, feedback about ways to ensure that that committee has proper composition.

Currently, an operator can appeal a director's decision about their safety and fitness certificate to the minister, but this bill is changing that process. With amendments proposed in this bill, the appeals will now be heard by the Licence Suspension Appeal Board. We continue to ask that the minister ensure that the board has appropriate resources, as this will impact commercial drivers in the province.

Thirdly, we understand this bill continues practices that were set in place during the pandemic, giving Manitobans an option to submit police reports electronically. We also understand that the government wishes to make permanent provisions around online reporting of minor highway traffic incidents. Used correctly, this can mean a more convenient way to do this, but we also need to make sure that these changes are as widely accessible as possible.

For example, for those with disabilities a move to online reporting can make it more difficult for folks, especially those with visual, physical, or intellectual disabilities, from accessing services and goods that should be made widely available. It is important that the government respects the provisions of The Accessibility for Manitobans Act.

I'd like to thank all those who have had input into this bill and appreciate seeing this bill move forward here this evening.

Thank you, Mr. Chair.

Mr. Chairperson: And we thank the member for those comments.

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

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? *[Agreed]*

Clauses 1 and 2–pass; clause 3–pass; clauses 4 through 6–pass; clauses 7 through 11–pass; clauses 12 through 15–pass; clauses 16 through 18–pass; clause 19–pass; enacting clause–pass; title–pass. Bill be reported.

Bill 21–The Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act

Mr. Chairperson: So, next we move on to Bill 21, and clause by clause.

Does the minister responsible for Bill 21 have an opening statement?

Hon. Doyle Piwniuk (Minister of Transportation and Infrastructure): Yes, I do, Mr. Chair.

Mr. Chairperson: The minister–Minister Piwniuk, go ahead.

Mr. Piwniuk: Good evening, Mr. Chair, and members of the committee.

I'm pleased to bring here tonight–to hear input from public and–back for Bill 21, The Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act.

We introduced this bill to create and authorize shared streets and to allow pilot projects to be established by regulation in response to the number of requests from municipalities, businesses and other organizations in Manitoba.

Bill 21 paves the way for pilot testing of micromobility devices such as electronic kick scooters, low-speed vehicles and personal transportation vehicles on roads. If passed, regulations will be developed to set the–out the conditions of the pilot projects. The conditions may include the types of device or vehicle being tested, maximum speed limit, age limit, insurance requirements and so on.

A goal of this bill is to provide more options for active and alternative transportation while ensuring the safety of all road users. Pilot testing will be a Manitoba–a means of–to try out the use of micromobility devices and low-speed vehicles on streets before making any permanent legislative changes.

Bill 21 also establishes the concept of shared streets in The Highway Traffic Act. A shared street is one where all road users have equal access of the road but with conditions. For example, the maximum speed limit will be 20 kilometres per hour and regulates a–regulated signage on streets will be required for public awareness to ensure road safety.

***** (21:00)

Municipalities will be able to make bylaws to designate shared streets where they are–see fit based on the interests of their community.

Shared streets have the potential to foster a safe and friendly environment for pedestrians, cyclists, motorists and people using recreation equipment. Bill 21 represents the exciting opportunity for Manitoba to test our new transportation options and create spaces where all road users can safely coexist, and I look forward to the passage of this bill.

Thank you, Mr. Speaker–Mr. Chair.

Mr. Chairperson: And we thank the minister for those comments.

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

Mr. Matt Wiebe (Concordia): Appreciate the opportunity put a few words on the record with regard to Bill 21.

Bill 21, as we know, allows for municipalities to designate certain streets as shared streets, giving drivers, pedestrians and cyclists equal priority. It also allows for traffic-related pilot projects and make changes related to insurance for the introduction of new forms of transportation like e-scooters.

While we recognize that Bill 21 is a step in the right direction, it is in some ways too little, too late. The Province failed to work with the City of Winnipeg during the worst waves of the pandemic which forced it to shut down its shared streets program at a time when residents were desperate for outdoor exercise, and concerns have been raised that the 20-kilometre-an-hour limit Bill 21 sets for shared streets will limit the number of streets that municipalities can designate as shared streets compared with the City of Winnipeg's suggestion that cars on designated open streets be allowed to drive at 30 kilometres per hour.

As I've said many times before, there's very few positives that have come out of the COVID-19 pandemic, but people's appreciation for active transportation and outdoor exercise in general could be indicated as one of those positives. And, once again, the adversarial position that the government of Manitoba has taken with regard to the City of Winnipeg has resulted us–in us now finally seeing Bill 21 come forward rather than at the most opportune time when there was broad political consensus to get something done.

Likewise, with regard to personal mobility devices, e-scooters and the like, I know that there's a lot of interest in this for the private sector, from

individuals, and so while, again, we applaud the government for finally moving forward on it, we believe that this is, you know, one step behind once again.

So we are happy to see it move forward here today. I thank the committee for its consideration here tonight and look forward to this coming to the House at third reading.

Mr. Chairperson: And we thank the member for those comments.

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

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform with pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? *[Agreed]*

Clauses 1 and 2 pass–pass; clause 3–pass; clause 4–pass; clauses 5 through 9–pass; clauses 10 and 11–pass; clause 12–pass; clause 13–pass; clause 14–pass; enacting clause–pass; title–pass. Bill be reported.

Bill 2–The Public Services Sustainability Repeal Act
(Continued)

Mr. Chairperson: So we'll now proceed with clause by clause of Bill 2.

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

Hon. Reg Helwer (Minister of Labour, Consumer Protection and Government Services): I–yes, Mr. Chair.

Mr. Chairperson: Minister Helwer.

Mr. Helwer: So, very brief, like, the bill, it is, indeed, time to move on. The PSSA was passed in 2017. There were forced–it was a product of a very different time and different circumstances. We are, indeed, looking to move forward and build relationships with labour as we do move forward.

Thank you, Mr. Chair.

Mr. Chairperson: We thank the minister for those comments.

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

Mr. Matt Wiebe (Concordia): It's quite disappointing to hear the comments from the minister here tonight, especially after we heard from so many presenters who brought forward so many touching stories about the impacts that the PSSA and bill 28 has had on workers in this province.

And, you know, what I really appreciated about those presentations was that we heard from a wide range of folks. We heard from organized labour. We heard from folks who represented the government workers. We heard from folks who represented health-care workers. We heard from folks who represented the private sector. We heard from folks who represented other front-line workers in our province.

And it's–you know, given that level of information that was shared here today, and again, the real impacts that this had had on workers–it's quite disappointing that the minister can't even take, you know, what was that, 20 seconds to lay out his government's position and try–begin to try to convince the workers of Manitoba that somehow he's different, that he's going to be different and that this government has seen the error of its ways, has had its road to Damascus moment and things are going to be completely different now and it's a new dawn for relationship with working people in this province.

But we know that that's not the case, and no matter how many times the minister wants to say it's time to move on, the workers in this province, I don't think, are quite ready to, because they're still feeling the effects. They're still seeing the effects in their current negotiations that many are still negotiating contracts that were impacted, delayed by bill 28 and the impact that that had. It's being felt by those workers who are working under contracts that were signed when bill 28 was hanging over their heads, like the sword of Damocles, forcing them into unfavourable bargaining positions.

This–the impact of bill 28 and the PSSA will be felt in this province for a very long time and we heard that very clearly from the presenters tonight. And so for the minister to simply say, you know, move on and to–you know, and at one point the minister, in fact, said, you know, it takes two to move on here and, you know, two to tango and almost made it seem like it was the labour unions or it was the workers that had to now come to the table and try to make him feel like he's a legitimate Minister of Labour. I mean, it was just so disrespectful.

So, when I paraphrase the minister and said, get over it, I think that's how many in this committee–certainly how I understood the minister's words here tonight, that he was just saying–he was being flippant, that he was saying, you know, move on, you know, rather than actually acknowledging the pain, acknowledging the impact and the hardship that this has had on Manitoba workers.

It's not hard to do, to listen to somebody who has come to this committee and appreciate their perspective and, you know, in–and–but I guess for this minister, it apparently is.

There are–there were two specific asks that I heard over and over again from the presenters that came tonight that I think we should, you know, we should continue to press the minister and the government on, and I'm quite surprised that the minister wasn't willing to go further in their indication of the–this government's willingness to reset the relationship.

When, you know, the first ask is about as simple as it gets: stop–the minister should stop interfering in collective bargaining in this province. And, you know, this is the most basic thing that a Minister for Labour should be able to say and it should be the starting point for all negotiations in this province and it should be the starting point for this new Premier (Mrs. Stefanson).

But again, we don't even have that much of a commitment from this government. We've seen the effects, we heard from, for instance, the UMFA faculty association folks, listening to the University of Manitoba faculty telling us the impacts that its had not just on them, on the university, but on students. That's one of the most blatant examples of what this interference, the impact that this interference can have.

* (21:10)

But we know that it's–it goes far and wide, and so I think it's incumbent on the minister–and you know he'll get his opportunity, I guess, at third reading of this bill–to come out and say very clearly that he's willing to make that commitment that they will stay out of the bargaining process, stop their interference and respect the collective bargaining process here in Manitoba. So that's just the first most basic element that this government could take.

But, secondly, and, again, this was an important part of the presentations here tonight, because we had everybody from the most, you know, sort of knowledgeable labour leaders to average folks who have seen the impact that this legislation has had on their lives, say that it's now incumbent on the government to get out of the way and stop their opposition to the application to have this seen–this case considered before the Supreme Court. You know, we–we've argued right from the beginning, as has labour, that this is unconstitutional. We now have two different decisions within the province of Manitoba.

So let's get this solved once and for all, and I think there's an opportunity to send this to the Supreme Court and to have the government get out of the way. It seems like a no-brainer. If the government is willing to repeal this bill, then they should be on board with this. But, of course, they haven't been to this point, and I asked the minister during his comments whether he would make that step, but of course he's getting his marching orders from the Premier who still sees this as a fight she wants to take on.

I wonder, you know–and this was mentioned and suggested by many of our presenters here tonight–you know, I wonder if Bill 2 really is just about influencing that consideration by the Supreme Court and whether by bringing this repeal act they're trying to influence whether this is heard before the Supreme Court. Again, why would a government do that? There's really only one reason: it's ideological at its heart, and if that is the case, then shame on this government once again for interfering in the workers' rights here in this province.

But again, that was the MO of the former premier. It seems to be the MO of the current Cabinet which was, you know, sitting around the same Cabinet table with the former premier, now with the new Premier. They are still on track to do everything they can to interrupt and impact working people in this province.

So it's very frustrating, and, you know, I'll just maybe simply end my comments by once again thanking all those folks in labour. You know, I guess this should have been a bit of a celebration here tonight, a happy moment, you know, finally to see bill 28 die, to see this unconstitutional piece of legislation quashed. You know, let's move through this and let's pass Bill 2.

But what you heard from workers and from the folks who came here tonight is, over and over again, how disappointed they are that this government continues their practices. And, you know, so if I can just end it just by saying thank you to those folks who came out here tonight. We're not celebrating. We're continuing to stand with you as an opposition. We'll continue to stand with you as you take this to the Supreme Court and continue to fight for workers in

this province. But thank you for the work that you've done to this point, and we look forward to continuing to do everything we can to enhance working people's rights here in this province, protect labour and protect their constitutional right for free and fair bargaining.

And, you know, I'm standing in here today for our critic, Mr. Lindsey, who–I'm not sure if I can say his name when he's not on committee–but Mr. Lindsey, who I know is in another committee here tonight, but he sends his support to–for this as well, along with the rest of our caucus.

Again, we will stand shoulder to shoulder with our labour brothers and sisters and all working people in this province. It's time to address the issues here. Let's get some fair bargaining and let's increase the wages of Manitobans, because with inflation at all-time highs, it's time now that Manitobans get paid a fair wage for fair work.

Thank you very much, Mr. Chair.

Mr. Chairperson: And we thank the member for those comments.

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

Is that agreed? *[Agreed]*

Clause 1–pass; clause 2–pass; clause 3–pass; clause 4–pass; clause 5–pass; enacting clause–pass; title–pass. Bill be reported.

Bill 8–The Court of Appeal Amendment and Provincial Court Amendment Act
(Continued)

Mr. Chairperson: Okay. We will now move on to Bill 8 clause by clause.

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

Hon. Kelvin Goertzen (Minister of Justice and Attorney General): I do, Mr. Chairperson.

Mr. Chairperson: Mr.–Minister Goertzen.

Mr. Goertzen: So I often get questions at second reading and try to answer them at committee, so I'll try to do that again with a couple of them and then just make a quick comment.

So, at committee, I believe it was the member for St. Johns (Ms. Fontaine), asked why the education provision wasn't applied to JJPs as well. And while it certainly could be, she'll know that JJPs both have a different appointment qualification–significantly different–and then different responsibilities than a judge does. But that is certainly something that we could look at in the future, and I give her that assurance that it would be considered.

There was also a question just regarding the independence of the 'judicuary' and what has changed in terms of the education portion of this. And, again, this mirrors the federal bill which is believed to be the way through this in terms of both ensuring that those who are getting appointed to the bench get this education that I think all of us believe is important while not trampling on judicial independence which we heard about tonight. And I appreciate those comments that came forward tonight.

And then there was a question, I think, also from the member for St. Johns, asking that a federal change that included requiring judges to put their reasons on the record or in writing when they rule on sexual assault cases, why that wasn't included in this bill. And that is because, as she rightfully references, the Criminal Code was changed in May of 2021 that requires judges to make decisions in sexual assault matters to provide reasons for their decisions on the court record or in writing. So that–it's unnecessary to put it in this bill because it applies to decisions in Manitoba and all–to all judges across the country.

So I think that addresses the questions that came up at second reading.

Just a couple of brief comments, then. Again, I know that any time there are changes–and this is true anywhere in the country–to the appointment of judges process, there's questions about it. I restate that this is similar to the federal process that is–has been used now for several years, I believe, under the former Conservative government, under the current Liberal-NDP coalition. And, you know, my–haven't heard any great hues and cries across the country that this process hasn't worked well or that it's been overly politicized in Canada. I recognize that there's differences between Canada and Manitoba, but we are part of Canada and the judiciary, you know, essentially operates the same way in almost all parts of Canada under a common law system.

But I'm mindful, you know, that these changes should always be, you know, reasoned and considered, and I'm grateful for the groups that came out to present tonight.

There was a theme that was going on–I think the member for St. Johns echoed it–that this erodes the

public's confidence in the justice system. I'd remind members that the bill–it predates me, I think, as Minister of Justice, so it must have been before the Legislature since at least winter of last year, maybe fall of last year, so several months, anyway. And we had committees tonight where the public, who, if they feel that there's a lack of confidence and–is this being eroded–they certainly could have presented tonight virtually or in person. And we had three presenters: one representing provincial judges, one representing defence lawyers and one representing lawyers in general to the Bar Association.

That, at least on the face of it, doesn't scream that the public is feeling, after months of consideration of this bill, there's an erosion of public confidence. Of course, the opposition members could have brought forward folks. They could have certainly asked people to come and make presentations–and the three presenters we had are all integrated but important parts of the judicial system, but not, I think, what people would generally consider to be lay people who the member for St. Johns is suggesting are up in arms over a lack of confidence because of this bill.

***** (21:20)

So, I'm not entirely buying the narrative that the public is feeling an erosion of confidence, because that hasn't been demonstrated in correspondence or in public presentations, but that doesn't mean that we shouldn't be mindful of these things and the balances and the independence, and all of those things are reflective in the federal process; they're reflective at this process. But, as always, we'll continue to monitor things as they continue on.

So, with those brief comments, Mr. Chairperson, happy to hear from the official opposition critic, and then proceed to clause by clause.

Mr. Chairperson: We thank the minister for those comments.

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

Ms. Nahanni Fontaine (St. Johns): I want to say miigwech to all of the presenters who took advantage of our democratic process, which I know all of us around the table are proud of and grateful for, that we are one of the few jurisdictions that do this. I really appreciated all of the analysis and commentary in respect of Bill 8, which echoed a lot of the concerns that I have had since Bill 8 was introduced.

I do want to just clarify the minister in respect of saying that there's, like, you know, public concerns or outrage about Bill 8. I never once said that–I–not once–and you can go back into Hansard and review that. I never once said that. I mean, the vast majority of the public don't even know what we do in here in the Manitoba Legislative Building. And so I'm pretty sure the public isn't paying attention to Bill 8 right now and the, you know, the amendments to the Judicial Appointments Committee.

However, I would submit that if they did know that this bill was before the House and is about to receive royal assent in a week and a bit, they would find concern with stacking the deck of a Judicial Appointments Committee.

And there's–you know, I know that the minister, again, you know, kept trying to say, you know, like, the challenges and the challenges, but let me just say again for the record: there is no challenge. This is a PC government and, more specifically, a Cameron Friesen challenge–created challenge, because nobody, and there–

Mr. Chairperson: I just remind the member that not to use a first name. It would be Mr. Friesen–rookie mistake.

Ms. Fontaine, please continue.

Ms. Fontaine: Rookie mistake. I apologize. Mr. Friesen, a man-made challenge, because nobody in 35 years has asked for these changes to the Judicial Appointments Committee. And so I want to be clear that there is no challenge.

And it really does beg the question why Mr. Friesen thought that this was an issue. Like why, all of a sudden, something that has never come up–it's never come up to anybody in respect of there being problems with the Judicial Appointments Committee, and somehow it's unfair or it's this or it's that–none of that has ever come up.

So how did Mr. Friesen come up with this? You know, it really does beg the question why, all of a sudden, this was important.

And I recall, like a year, a year and a half ago–I can't remember what it is now–you know, there was a Judicial Appointments Committee for judges. And as you know–as the minister knows–I did get up in the House and ask questions, because we know that Minister Friesen had the list, I think, of three judge–three lawyers, or the list of–yes, pretty sure they're lawyers–three individuals, at any rate, who were

submitted to Minister Friesen who–Minister Friesen didn't do anything with that list, and then went back and tried to look at another appointment or whatever it was.

So, you know, I would submit, and of course nobody's probably going to admit this or whatever, but I would submit that this bill, these changes that nobody asked for, derive themselves or are predicated upon that moment that Mr. Friesen was given the list by the judicial committee and didn't like the names on the list. That's what I think this is all about.

Whether or not we will ever be able to prove that is probably not going to happen, but, again, it makes absolutely no sense that Bill 8, that these changes are before us this evening. It makes absolutely no sense. Nobody asked for it. Nobody wants it. The public don't even know that it's happening. Our presenters didn't–you know, don't want them.

So, you know, I would ask the minister, you know, I would ask the minister–I'm hoping to make an amendment, or present an amendment at report stage amendments to delete those sections–and I'm going to ask the minister to consider that, to consider stacking the deck of the Judicial Appointments Committee. There's no–and certainly stacking the deck and removing the chief judge that–again, there's like, who thought about removing the chief judge in all of the chief judge's expertise and capacity and infrastructure to do this work? Who thought that was a good thing? Like, who just sits there and says, let's get rid of the chief judge as the chairperson. Like, who does that?

So, I'm–I–you know, I'm officially asking the minister to delete those sections and move on with the rest of the bill.

Miigwech.

Mr. Chairperson: And we thank the member.

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

Also, if there is an agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? *[Agreed]*

Clauses 1 and 2–pass; clause 3–pass; clauses 4 through 7–pass; clauses 8 and 9–pass; clause 10–pass; clause 11–pass; enacting clause–pass; title–pass. Bill be reported.

Bill 17–The Family Law Act, The Family Support Enforcement Act and The Inter-jurisdictional Support Orders Amendment Act

(Continued)

Mr. Chairperson: We'll now proceed with clause by clause on Bill 17.

Does the minister responsible have an opening statement?

Hon. Kelvin Goertzen (Minister of Justice and Attorney General): I do, Mr. Chair. Thank you.

Again, questions at second reading, one was posed by the honourable member for River Heights (Mr. Gerrard). I'm not sure if he's still in the room; I can't see him from Steinbach, but I'll leave this on Hansard if–so he can at least hear it. He asked, I think, a good question about if there's a conflict between the act and the C-F-X act, which takes priority in the circumstance?

Response from the department officials, in consultation with others, I'm sure, is if an allegation of child abuse is made to a Child and Family Services agency, CFS, the agency decides whether the allegation causes it to suspect that a child is in need of protection. If there are concurrent family court proceedings involving a parenting dispute under the family law act, the parenting proceeding would be held in abeyance pending the outcome of the child abuse investigation.

Mr. Vice-Chairperson in the Chair

So in these types of cases, the CFS act takes priority over proceedings under other acts.

Mr. Gerrard also asked about where there are circumstances–and if we could be specific about arrangements that can be made out of court. For initial arrangements, the parties could reach a consent agreement independently or with the help of a lawyer and enter into a separation agreement to formalize it. They could pursue mediation to reach a consent agreement and enter into a separation agreement. They could agree to have a family arbitrator make a decision and award. Or they could ask the child support service to make a child support calculation decision.

***** (21:30)

The change in existing arrangement or a court order, parents have the following options: where

parent arrangements or support is set out in an agreement, to reach an agreement independently with the help of a lawyer or through mediation and enter into an amending agreement; where the parenting arrangements or support are set out in a court order by arbitration where the parties agree that the support provisions of the family arbitration award will be enforced by Maintenance Enforcement instead of the court order; where the child support is set out in an agreement, a court order or a family arbitration award by asking the child support service to make a recalculation decision; and where the support is set out in an agreement or a court order by signing a maintenance enforcement program agreement to change to allow the MEP to enforce a different amount of support. So I hope that answers the member for River Heights's (Mr. Gerrard) question.

And then he also asked a question about whether we would be reviewing some of the guidelines. And just for his information, Manitoba's child support guidelines, they mirror the federal child support guidelines. There are child support tables for each province and territory that determine the base amount of each child support, depending on where the parent required to pay resides. This approach provides consistency and predictability for Manitoba families. And so, in terms of that particular provision, we align ourselves with the federal government's child support guidelines, of their consistency across Canada.

Other than that, I want to thank the various family law practitioners who are involved in the consultations and who presented tonight. This is a complex area of law. Changes have a pretty deep impact on families and practitioners, and we rely significantly on their advice and the experience of the system.

I think we heard that there was not only a collaborative approach but general consensus that these are supportable measures moving forward. This is an ever-evolving area of law, though, and I'm sure it'll evolve again, either under my ministry–or my time as minister or somebody else's time as minister.

So I appreciate the collaboration and the work of the department and the officials in my department and also those in the private bar who engage in the discussions.

So, with that, I look forward, as I always do, from hearing from the member for St. Johns and her comments.

Mr. Vice-Chairperson: We thank the minister for his statement.

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

Ms. Fontaine, go ahead.

Ms. Nahanni Fontaine (St. Johns): Miigwech to our sole presenter this evening.

Bill 17 repeals The Family Maintenance Act and replaces it with two new acts. It's vital that provincial and federal laws keep up with modern times.

Mr. Chairperson in the Chair

Family structures have changed, and our legislation must accurately reflect Manitoba families.

Bill 17 replaces concepts of custody and access respecting children with the concepts of parenting arrangements, parenting time, decision-making responsibility. Bill 17 also expands access to child and spousal support by making it possible for children to apply for child support and clarifies under what circumstances a foreign support 'corder'–a court order should be enforced.

Certainly Bill 17 is a step in the right direction. That's why we are glad to support it. I think that, as our presenters said this evening, you know, there are times when we can come together and support good legislation, and I would say that this is one of those times, that this's good legislation moving us forward in a progressive and more equitable manner, reflecting the changes that occur in family law.

Miigwech.

Mr. Chairperson: We thank the member for those comments.

So, due to the size and structure of this bill, I would like to propose the following order of consideration for the committee's consideration, with the understanding that we may stop at any point where members have questions or wish to propose amendments.

I propose that we call the bill in the following order: schedule A, pages 3 through 110, called in blocks conforming to pages; schedule B, pages 111 through 212, called in blocks conforming to pages; schedule C, pages 213 through 229, called in blocks conforming to pages; enacting clauses and coming-into-force clauses, pages 1 and 2; and then followed by the bill title.

Is it agreed as an appropriate order of consideration for Bill 17? *[Agreed]*

We will first consider schedule A, pages 3 through 10:

Clause 1–pass; clauses 2 through 5–pass; clauses 6 through 9–pass; clauses 10 through 11–pass; clause 12–pass; clause 13–pass; clauses 14 through 16–pass; clauses 17 and 18–pass; clause 19–pass; clause 20–pass; clause 21–pass; clause 22–pass; clause 23–pass; clause 24–pass.

Shall clause 25 pass–sorry, I'm going to repeat that one.

Clauses 25 and 26–pass; clauses 27 through 29–pass; clause 30–pass; clauses 31 and 32–pass; clauses 33 and 34–pass; clause 35–pass; clauses 36 and 37–pass; clause 38–pass; clauses 39 and 40–pass; clause 41–pass; clauses 42 through 44–pass; clause 45–pass; clauses 46 and 47–pass; clause 48–pass; clauses 49 and 50–pass; clause 51–pass; clause 52–pass; clauses 53 through 55–pass; clause 56–pass; clause 57–pass; clause 58–pass; clause 59–pass; clause 60–pass; clause 61–pass; clause 62–pass; clauses 63 through 65–pass; clauses 66 and 67–pass; clause 68–pass; clauses 69 and 70–pass; clause 71–pass; clause 72–pass; clause 73–pass; clause 74–pass; clauses 75 and 76–pass; clauses 77 and 78–pass; clause 79–pass; clause 80–pass; clause 81–pass; clauses 82 through 84–pass; clauses 85 and 86–pass; clauses 87 and 88–pass; clause 89–pass; clauses 90 and 91–pass; clauses 92 through 94–pass; clause 95–pass; clauses 96 and 97–pass; clauses 98 and 99–pass; clause 100–pass; clause 101–pass; clause 102–pass; clause 103–pass; clause 104–pass; clause 105–pass; clauses 106 and 107–pass; clauses 108 and 109–pass; clause 110–pass; clause 111–pass; clauses 112 and 113–pass; clauses 114 through 116–pass; clauses 117 and 118–pass; clauses 119 through 121–pass; clause 122–pass; clause 123–pass; clauses 124 through 126–pass.

***** (21:40)

So, we'll now consider schedule B, pages 111 through 212:

Clause 1–pass; clauses 2 and 3–pass; clauses 4 through 7–pass; clause 8–pass; clause 9–pass; clause 10–pass; clauses 11 and 12–pass; clauses 13 through 15–pass; clauses 16 through 18–pass; clause 19–pass; clause 20–pass; clauses 21 and 22–pass; clause 23–pass; clause 24–pass; clauses 25 and 26–pass; clauses 27 through 29–pass; clause 30–pass; clause 31–pass; clauses 32 and 33–pass; clauses 34 and 35–pass; clause 36–pass; clauses 37 and 38–pass; clause 39–pass; clause 40–pass; clause 41–pass; clause 42–pass; clauses 43 and 44–pass; clause 45–pass; clause 46–pass; clause 47–pass; clauses 48 and 49–pass; clause 50–pass; clause 51–pass; clause 52–pass; clause 53–pass; clause 54–pass; clause 55–pass; clause 56–pass; clauses 57 and 58–pass; clause 59–pass; clause 60–pass; clauses 61 through 63–pass; clauses 64 through 66–pass; clause 67–pass; clause 68–pass; clauses 69 through 71–pass; clauses 72 and 73–pass; clause 74–pass; clauses 75 through 79–pass; clause 80–pass; clauses 81 through 83–pass; clauses 84 through 86–pass; clauses 87 and 88–pass; clause 89–pass; clause 90–pass; clause 91–pass; clauses 92 through 94–pass; clause 95–pass; clause 96–pass; clause 97–pass; clause 98–pass; clauses 99 and 100–pass; clause 101–pass. *[interjection]*

No, I have just–clause 101–pass; clauses 102 and 103–pass; clauses 104 through 106–pass.

We'll now consider schedule C, pages 213 through 229:

Clauses 1 and 2–pass; clauses 3 through 5–pass; clause 6–pass; clauses 7 and 8–pass; clauses 9 through 12–pass; clauses 13 through 15–pass; clauses 16 and 17–pass; clause 18–pass; clause 19–pass; clause 20–pass; clauses 21 through 24–pass; clauses 25 through 27–pass; clauses 28 through 30–pass; clauses 31 and 32–pass; clauses 33 through 35–pass; clause 36–pass.

***** (21:50)

We'll now consider the enacting clauses and coming-into-force clauses on pages 1 and 2.

Clauses 1 through 4–pass; title–pass. Bill be reported.

The nine–the hour being 9:51, what is the will of the committee?

Some Honourable Members: Rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: *9:51 p.m.*

WRITTEN SUBMISSIONS

Re: Bill 2

The Manitoba Teachers' Society (MTS), representing more than 16,600 public school teachers across the province, is pleased to comment on Bill 2–The Public Services Sustainability Repeal Act. While we are relieved to hear that this law will officially be repealed, the fact remains it should never have happened in the first place.

For the past five years, Bill 28–The Public Services Sustainability Act has hung like a dark cloud over the collective bargaining process. In fact, it is fair to say that Bill 28 undermined the sanctity of collective bargaining, a process that has proven to work for both employees and employers for many years.

This bill will go down in Manitoba history as the piece of legislation, in recent history, that unleashed the most damage on the labour relations process. Bill 28 disrupted decades of labour peace across all public sectors.

As you know, teachers gave up the right to strike in favour of interest arbitration. The foundation of this model is rooted in equity and equality at the bargaining table. It is a model that has worked effectively for teachers and school boards for several decades.

Since 1947, Manitoba teachers have worked with our employers, the school boards, to bargain in good faith. We have worked together to seek solutions at the bargaining table, without confrontation.

Most importantly, collective bargaining has worked for our students and their families. Unlike other provinces, Manitoba has enjoyed labour peace with its public school teachers. The result is that students have not had their education disrupted due to labour issues.

Collective bargaining also provides stability for workers and employers through the life of the contract and is constitutionally protected by The Canadian Charter of Rights and Freedoms.

In addition to tainting the labour relations process, Bill 28 also significantly damaged the government 's relationship with unions. The government brought union leaders together under the guise of working together on ways to balance the budget without the use of Bill 28. The alternatives presented by the public sector unions participating in the Fiscal Working Group were ignored.

MTS was a participant in these consultations and like the other unions, entered these discussions in good faith. We were optimistic that we would be able to work with government to develop options to improve the province's fiscal situation. Unfortunately, it quickly became clear that the government had no intention of listening to or working with labour. Requests for pertinent information and answers to our questions were repeatedly ignore or denied. The government did not respond to our recommendations, ignored our proposal and despite assurances, moved ahead with their plan to balance the provincial budget on the backs of public sector workers.

Five years after, despite never being proclaimed, Bill 28 continues to harm workers. In fact, tens of thousands of public sector workers remain without a contract today because of the damage caused by Bill 28.

If the government is serious about wanting to reset its relationship with workers and unions, it must do two important things immediately.

First, stop interfering in public sector bargaining, both through this law, future laws, and through limiting what employers can bargain through restrictive mandates.

Second, make a clear and genuine commitment that it will not oppose The Partnership to Defend Public Services (PDPS) application to the Supreme Court for consideration on the constitutionality of the wage-freeze legislation. Manitoba's Court of Queen's Bench and Court of Appeal issued drastically different rulings on Bill 28. It is essential to have the law made clear for everyone by the Supreme Court.

We rely on dedicated Manitobans to deliver public services we all count on. The COVID-19 pandemic has only highlighted how important these workers and the services they provide are to all of us. And while the government has been calling them heroes, they have not been treated with respect.

The cost of living is rising at an alarming rate, and it is getting harder for working families to keep up. The government should be investing in the public services that keep life affordable. This means investing in the public sector employees that keep deliver crucial these services.

We know that collective bargaining works when it is fair. It is a tried and tested process that allows workers and employers to reach fair deals that make sense for both sides. But it only works if government allows it to happen.

Repealing Bill 28 is the first step in repairing some of the damage done to workers, unions and the labour relations process. We hope that the repeal of Bill 28 is the start of a new relationship with this government and signals its recognition of the value of free and fair collective bargaining for workers in Manitoba.

James Bedford
President
Manitoba Teachers' Society

Re: Bill 2

I would like to begin by thanking the Committee for the opportunity to speak to Bill 2, the proposed repeal of the Public Services Sustainability Act.

By way of introduction, my name is Bob Moroz, President of the Manitoba Association of Health Care Professionals, better known by our acronym, MAHCP. For over 50 years, MAHCP has been representing allied health professionals in Manitoba 's professional/technical/paramedical sector.

Today, we represent over 7,000 members working in 190 different classifications, serving Manitobans in hundreds of health care and social service settings across the province including hospitals, labs, ambulances, personal care homes and in the community.

As we know, Bill 28 took the exact wrong approach at a time when we should have been ramping up our efforts to recruit and retain staff in our health-care system. This is certainly true with the benefit of hindsight, but it should have been clear at the time to anyone paying attention. It was certainly clear to MAHCP and the many other healthcare unions who vigorously opposed it at the time.

This isn't about the dollars in our members' pockets, it's about the integrity of the entire health-care system. We are now reaping the whirlwind, not just of misguided and rushed cuts, consolidations and closures of everything from emergency rooms to ICU beds, but also of the exact wrong approach to labour relations in general as represented most glaringly by Bill 28.

When it comes to health care, we have learned the painful lesson that austerity kills. This is no exaggeration. We know there have been preventable deaths in our health care system due to lack of qualified staff to provide care.

There are many reasons for the current staffing crisis. Allied health professionals and other front-line health-care workers have been overworked, overlooked and overstressed for a long time, starting well before the pandemic but surely exacerbated by the events of the last two years. Through it all, they have continued to show up for Manitobans, but it has become increasingly difficult to recruit new employees and retain the ones we have. Instead, more and more are taking early retirement or leaving for jobs in other sectors or in other jurisdictions. They are quitting out of frustration, exhaustion or some combination of the two, and some are just leaving for greener pastures. I hear examples of this phenomenon nearly every day. In an environment where their wages have been frozen for more than four years without a new contract, who can blame them? And how can we be surprised that our health-care system is failing?

In contrast, we know that collective bargaining works. It balances employer needs and interests with those of workers. By passing Bill 28, which every member of the Progressive Conservative caucus supported, the government put their thumb on the scale and upset that delicate balance. That gave an unfair advantage to employers, deciding the outcome of a crucial item–wages–before employees could ever get to the bargaining table, and attempting to crush their spirit once they did.

The case of the University of Manitoba Faculty Association has received a great deal of attention, and rightfully so. UMFA became the test case and the poster child for everything that was wrong with and about Bill 28. The courts agreed, confirming that the Manitoba Government had unfairly interfered in the collective bargaining process and awarding a settlement to UMFA and their members that sought to redress at least some of that wrongdoing.

At MAHCP, we unfortunately have examples of our own that have not made the newspapers but that are every bit as unfair and unjust as the UMFA case, and are every bit as directly related to Bill 28. Indeed, these examples illustrate that the unconstitutional wage mandate contained in Bill 28 had ramifications far beyond the public sector bargaining that it was designed to constrain.

MAHCP is proud to represent members at Dynacare, a private sector laboratory contracted by the Manitoba Government to perform vital lab services, including COVID testing during the height of the pandemic. We also represent Manitoba Possible, a nonprofit organization contracted to provide important services and supports to Manitobans living with disabilities. And finally, our members at Aboriginal Health & Wellness Centre of Winnipeg provide much-needed health and wellness services designed specifically for Indigenous Manitobans, attempting to fill significant gaps in our public health-care system.

None of these organizations are considered "public sector" and so they did not technically fall under the draconian wage freeze of Bill 28. And yet, because all three organizations either contract with the Manitoba Government or receive significant program funding from the province, all three employers came to the bargaining table with MAHCP and claimed they were unavoidably constrained by the government's

mandate and could not offer any wage increases beyond the dreaded zero, zero, point seven-five and one laid out in Bill 28. As a result, hundreds of hard-working people who provide vital health-care and social services to Manitobans were forced to accept a wage freeze for two years, and paltry increases for two more that didn't keep up with the rate of inflation. That meant four years of an effective pay cut that they may never make up. They were given no choice, and it is the fault of Bill 28 that was supposedly never in force.

When government announced they would finally relent and repeal this hated, unconstitutional and completely misguided legislation, there was no indication or admission that they had been wrong. The government news release simply pointed to the pandemic, suggested that the ground had shifted and that it was "time for a different approach." The door was left wide open to eventually reintroduce similar legislation in the future, should the timing be deemed right or politically expedient. One is left with the strong impression that, similar to Bill 64 on education reform, the government had taken a beating and was aiming for a swift reset without publicly abandoning any of the principles or ideological motivations that led them to introduce and support Bill 28 in the first place. That 's simply not good enough.

MAHCP wholeheartedly supports the Manitoba Federation of Labour 's two-pronged call to action for the provincial government:

1) Get out of the way of public sector bargaining by repealing this law and ending the practice of telling employers what they can or can't offer at the bargaining table. Let the bargaining process, which you have pledged to respect, play out freely and fairly without interference.

2) Allow the Manitoba labour movement's court challenge to proceed to its logical conclusion by not opposing our application to the Supreme Court. We know in our bones that Bill 28 was unconstitutional, but let the Supreme Court decide once and for all.

I would like to add a third call to action. I would like to hear the Premier and Finance Minister, who supported Bill 28 when it was passed, admit they were wrong. They were wrong to interfere in the collective bargaining process. They were wrong to hamstring employers in their ability to compete for qualified employees by offering competitive wages, and by extension contributing to the current staffing crisis in health care. They were wrong to tell allied health professionals and over 120,000 other dedicated Manitoba workers that their efforts were not worth even a modest raise. Our members need to hear that from you. If you are serious about rebuilding trust and resetting the relationship with workers, that simple admission would be a good start.

Again, thank you for the opportunity to share some thoughts on behalf of over 7,000 dedicated, hard-working allied health professionals who continue to show up through thick and thin for Manitobans, every day.

Sincerely,

Bob Moroz
President
Manitoba Association of Health Care Professionals

Re: Bill 8

Honourable Chairperson and distinguished members of the Committee, thank you for giving the Canadian Centre for Child Protection ("C3P") the opportunity to participate in the study of Bill 8, The Court Of Appeal Amendment And Provincial Court Amendment Act (the "Bill" or "Bill 8").

About the Canadian Centre for Child Protection

C3P is a registered Canadian charity with a mandate of preventing the sexual exploitation and abuse of children. C3P is an independent entity that is separate and distinct from government and police, and it has been operating for over 35 years. It owns and operates Cybertip.ca, Canada's national tipline to report the online sexual exploitation of children. As the legal entity that operates Cybertip.ca, C3P is designated to receive and process reports from Manitobans under the Child Pornography Reporting Regulation (Manitoba) and from internet service providers under the federal Internet Child Pornography Reporting Regulations. C3P is also the designated entity to receive requests from Manitobans for assistance under The Intimate Image Protection Act (Manitoba). In conjunction with those formal designations, it routinely receives and responds to concerns from Canadians across the country who are worried they have came across child sexual abuse material ("CSAM") or have other concerns about online sexual offending against children.

Executive Summary

C3P supports the objective of Bill 8 as it pertains to judicial training on sexual assault law. Below are some specific recommendations to improve upon the

Bill as it relates to children. We believe there is a need for judicial education, specifically in relation to: sexual offences against children that are facilitated through technology; and sexual exploitation of children for financial gain. As such, we recommend that Bill 8 be amended to:

- Clarify the term "sexual assault law" to include sexual offences specific to children;
- Clarify the term "social context" as used in the Bill to encompass child-related issues;
- Make it mandatory for judges to provide written reasons for judgment; and
- Make continued education on sexual assault law mandatory.

It is imperative that judicial education accounts for the unique vulnerabilities of children and their status as independent rights holders worthy of the courts' protection and understanding. The issues facing adults are not and will never be the same as the issues facing children, which is why we strongly believe that education focused on matters specific to children is needed.

Vulnerability of children to sexual offences

Children are disproportionately the victims of sexual offences. For example, "girls aged 15 to 17 had the highest quarterly rates of sexual assault both before and after" the #MeToo movement in 2017. In 2012, over half (55%) of all victims of police-reported sexual offences were children and youth, while making up only 20% of the population of Canada, the overall rate of police-reported incidents of online child sexual exploitation and abuse increased "from 50 incidents per 100,000 population in 2014... to 131 per 100,000 in 2020". However, issues affecting children, aside from those specifically addressed under The Child and Family Services Act, tend to be dealt with in combination with those issues affecting adults. Bill 8 reflects this oversight, and we urge the Committee to take time to determine how this Bill can be strengthened better reflect the issues that present when a child is the victim.

The importance of judicial education

It is vital that as legislators review the context of the Bill, they keep in mind the impacts of myths and stereotypes specifically related to children and the sexual abuse of children. The things we think we know about sexual assault as it relates to adults cannot be generalized to children just as they cannot be generalized for those with disabilities. For example, in the case of R v Slatter, 2020 SCC 36, which involved a victim who was developmentally challenged, the Supreme Court of Canada in their reasons for judgment warned judges that:

Over-reliance on generalities can perpetuate harmful myths and stereotypes about individuals with disabilities, which is inimical to the truth-seeking process, and creates additional barriers for those seeking access to justice.

The following provides more context to explain our views on the need for judicial education on sexual assault law that is specific to sexual offences against children:

(a) The need for judicial education focused on sexual offences facilitated by technology

Worldwide, child sexual abuse ("CSA") offences facilitated by technology are increasing exponentially. As stated in R v Friesen, "New technologies have enabled new forms of sexual violence against children and provided sexual offenders with new ways to access children". Online sexual offences such as luring have become "a pervasive social problem." This is supported by data from Statistics Canada that shows that online luring accounted for 77% of online sexual offences against children from 2014 to 2020.

Justice Mainella of the Manitoba Court of Appeal, when describing the effects of the non-consensual distribution of an intimate image (of an adult victim), aptly stated that, "As with physical abuse, a victim's freedom of choice over his or her sexual integrity is violated. The long-term psychological harm to a victim, as was seen here, closely resembles what happens in a case of physical sexual assault".

Online sexual offences are a form of electronic sexual assault, with technology being the means to exert power and control over the victim and violate their sexual integrity. Offences in this category include: child luring (s.172.1); "child pornography" offences (s.163.1); agreement and arrangement (s. 172.2); and non-consensual distribution of intimate images (s.162.1), which can apply to children and adults. It also sometimes includes voyeurism (s. 162). The COVID-19 pandemic has shown more than ever how extremely vulnerable children are to these offences and how offenders take advantage of the fact that children are often "alone" when socializing on the internet.

It is critical that policy makers and the judiciary recognize that sexual offences facilitated by or committed through technology may not only be as

harmful as an act committed in person, but these offences are also capable of causing distinct, long-term damage to the victim. As noted in R v Rafiq, [2015] O.J. No. 5878 (ONCA), at para. 44-45:

". . . the Internet has made it possible for abusers to get into the victim's head and abuse remotely. The abuser can tell the victim what to do and how to do it, and record it–in text, video or photograph–all for the abuser's gratification. Thus, through manipulation and control over time by an adult abuser, the child victim becomes a participant in her own sexual abuse.

I see no reason to believe that the psychological consequences of such abuse are likely to be significantly less serious than the consequences of direct physical sexual abuse. . . ."

Moreover, the Supreme Court of Canada in R v Friesen, cited Rafiq with approval, stating: "Even in child luring cases where all interactions occur online, the offender's conduct can constitute a form of psychological sexual violence that has the potential to cause serious harm (see Rafiq, at paras. 44-45; Rayo, at paras. 172-74; L.M., at para. 26)."

It is particularly important to include sexual offences facilitated through technology in sexual assault education materials as the vast majority of Canada's judiciary did not grow up with the technology we rely on today, are not familiar with platforms used by the offending community to target children and youth, and do not necessarily appreciate the way in which technology is leveraged by offenders to abuse children. Many judges do not use modern social media tools or platforms in the same way, and even if they do, are unlikely to have ever been the target of an online offence. As appropriately expressed by Justice Feldman of the Ontario Court of Appeal in 2010, "Over the last two decades, courts have been on a learning curve to understand both the extent and the effects of the creation and dissemination of child pornography over the Internet and to address the problem appropriately". While this comment was made in the context of a "child pornography" case, it is not just the creation and dissemination of this harmful material that is an issue. Any sexual offence committed by or facilitated through technology is one for which the courts are still being educated, case by case, victim by victim.

(b) The need for judicial education focused on sexual exploitation of children for financial gain

Sexual offences against persons under the age of 18 found within the "Commodification of Sexual Activity" section of the Criminal Code are sexual assault offences but are not always considered as such. The fact that they are not viewed by some members of the judiciary and the legislature as sexual assault offences is a problem and perpetuates the prevailing myths and stereotypes that surround these offences. We have seen cases in which child victims are referred to as though they are adults freely choosing to engage in sexual activity for money, which fails to recognize the vulnerabilities of child victims of these offences on the victims and lessens the moral culpability of perpetrators. The exchange of money or other considerations does not make these offences any less harmful to victims, especially when the victim is under 18.

From reported decisions emanating from Manitoba, it seems that Manitoba judges have an understanding of the Commodification of Sexual Activity offences in relation to child victims. This is important given the high number of children who are sexually exploited this way in Manitoba. In a recent decision, R v Alcorn, the Manitoba Court of Appeal summarised the extent of commercial sexual exploitation in Manitoba. The Court of Appeal also quoted Burnett JA, in the case of R v Rose, who stated that, "the sexual exploitation of young, vulnerable [children] is a problem of longstanding concern in Manitoba that requires denunciation by this Court and the community at large."

A person under the age of 16 cannot consent to sexual activity for consideration by virtue of section 150.1 of the Criminal Code. Those between 16-17 cannot consent to sexual activity with an adult to whom they are in a relationship of dependency, which is often the case with "pimps". Victims of these types of crimes:

- are often living in extreme poverty and often homeless;
- are without adequate parental or adult supervision;
- are often in the care of child welfare and have previously experienced trauma stemming from neglect, sexual abuse or other forms of abuse;
- may have a drug or alcohol dependency, sometimes brought about by the offender 's actions; and
- are at an age that makes them particularly vulnerable to sexual exploitation as highlighted in R v Friesen, which states that "adolescents may be an age group that is disproportionately victimized by sexual violence…. In particular, sexual violence by adult men against adolescent girls is associated with higher rates of physical injury, suicide, substance abuse, and unwanted pregnancy".

The issue of trafficking of children is significant as an estimated 25% of human trafficking victims are below the age of 18. A 2013 report on human trafficking in Nunavut found that "the majority of survivors of human trafficking and sexual exploitation were introduced into the sex trade between the ages of 13-16 years old", some as young as 9 years-old. Victims of these particular offences are traumatized by the experience, and are all too often overlooked as a result of prevalent myths and stereotypes associated with those in the adult "sex trade".

Recommendations

Taking into account the above considerations, we have the following recommendations in relation to Bill 8:

1. Clarify the term "sexual assault law" as used in the Bill to signal that it clearly includes child-related offences.

2. Clarify the term "social context" as used in the Bill to signal that it clearly includes child-related offences.

3. Make it mandatory for judges to provide written reasons for judgement. This is a particular issue in Manitoba where very few decisions are published by the Manitoba Provincial Court.

4. Make continued education on sexual assault law mandatory for all members of the judiciary.

Recommendation 1: Clarify the term "sexual assault law" to clearly include child-related offences

The term "sexual assault law" is not defined in the Bill, leaving it open to interpretation. One way that this term could be interpreted is that it refers only to offences that would fit within sections 271-273 of the Criminal Code. This limited interpretation would leave out all specific sexual offences against children (including those involving the use of animals, such as 160(2)–compelling the commission of bestiality, and 160(3)–bestiality in presence of or by child), which we do not believe is the intent of the legislators. Instead of leaving it ambiguous and open to future interpretation, it should be made clear within the Provincial Court Act itself that the term "sexual assault law" is meant to include all offences of a sexual nature within the Criminal Code, which include: agreement or arrangement (s. 172.2); invitation to sexual touching (s. 152); luring (s. 172.1); sexual assault (s. 271); sexual assault with a weapon, threats to a third party or causing bodily harm (s. 272); aggravated sexual assault (s. 273); sexual exploitation (s. 153); sexual interference (s. 151); commodification of sexual services (s. 286); child pornography offences (s. 163.1); making sexually explicit material available, (s. 171.1); bestiality (s. 160); voyeurism (s. 162(1)).

We also suggest to add the words "any offence that involves a violation of the sexual integrity of the complainant, whether committed in person or through technological means" to the end of section 8.1.1(2)(b) of the Bill.

Recommendation 2: Further clarify the term "social context" to encompass child-related issues

We recommend clarifying the meaning of "social context". The clarification that "systemic racism and systemic discrimination" are part of social context (which mirrors the words used in similar federal legislation) is important and will assist child victims, particularly those who are discriminated against due to race, cultural background, and age. However, there are many other dynamics to consider in relation to child sexual abuse–such as grooming, offending tactics and cognitive distortions, the typically close–and often familial–relationship between victims and offenders, etc. It is critical that these issues receive specific attention as part of judicial training.

Recommendation 3: Make it mandatory for judges to provide written reasons for judgement

C3P monitors case law related to the sexual exploitation of children in the provinces and territories across Canada. From our case law monitoring we have observed that a notable number of reported decisions in Manitoba contain astute observations of offending behaviour and the sexual victimization of children. For example, decisions in the cases of R v Alcorn, 2021 MBCA 101, R v Rose, 2019 MBCA, and in R v Frost, 2015 MBQB 96 affirmed in R v Frost, 2017 MBCA 43, highlighted the social context of the offences, contained a thorough analysis of the law, and provided information that highlighted the vulnerability of the child victims. However, it is worth noting that we have predominantly seen such positive decisions from the Court of Appeal or Superior Court levels.

We see very few reported decisions related to child sexual abuse cases from the provincial court in Manitoba. As such, we often do not know a judge's reasoning in handing down a conviction or acquittal. This means we cannot know whether the judge conducted the analysis of the case in keeping with modern interpretations of sexual assault law or if they may have been influenced by one or more prevalent myths or stereotypes. Although the focus of Bill 8 is judicial education on sexual assault law, it is crucial

to remember that we cannot know whether the education judges are receiving is sufficient without access to the decisions they make. Considering that the reason provincial and federal legislators, and the public became aware that there were gaps in current judicial education on sexual assault law was due to that a number of written decisions across the country that relied on antiquated myths and stereotypes. Simply put, for judicial education to be truly effective, and for us to know that it is effective, we must be able to see the results of that education in the reasons for judgment made by the judiciary.

It is also worth noting that the limited number of reported decisions from Manitoba means that defence counsel and prosecutors may need to resort to law from other provinces when making written or oral arguments. Ontario has the highest number of reported decisions per capita of all the English-speaking provinces. What inevitably results is that the Manitoba judiciary's contribution to the law in Manitoba is limited which we feel is a concern.

We are mindful that resource limitations make it difficult to provide written reasons in all cases and that Bill C-3, An Act to amend the Judges Act and the Criminal Code was amended to remove the requirement for written reasons due to such limitations. However, for the reasons mentioned above, legislators should consider making it mandatory for judges to provide written reasons in sexual assault cases involving children. This will provide greater protections for the most vulnerable in Manitoba, increase the public's trust in the court, and build a more solid base of case law on which Manitoba lawyers can rely.

Recommendation 4: Make continued education on sexual assault law mandatory

We commend the legislators for including section 8.1.1(1), which enables the Chief Justice to establish seminars for the continuing education of judges. However, by not making it mandatory that such training be instituted, and attended by all judges who may hear sexual assault cases, we do a disservice to victims of sexual assault–especially children. It is not just newly appointed judges who may rely on myths and stereotypes. Judges that have been on the bench for many years but have not received adequate instruction on sexual assault law, and the relevant social context, may also make the same errors. For example, technology is constantly evolving and so are the ways in which offenders can access and harm children. The creation of virtual spaces such as the Metaverse, are likely to change the way in which sexual offences against children will occur. Continued education of judges on the role of technology, regardless of how long they have been on the bench, is necessary to ensure that they adequately understand the dynamics of the cases before them.

Conclusion

It is important to not only focus on the myths and stereotypes that have been prevalent historically, but also consider more modern myths that relate to offences committed through technology. The belief that sexual offences committed through technology without the offender and the victim meeting in person are not as serious as physical sexual offences, or that victims depicted in "child pornography" are not harmed when someone possesses or accesses their images, are just as damaging as inaccurate statements such as, "a sexually active woman is more likely to consent to unsolicited sexual activity".

To combat myths and stereotypes in the criminal justice system we must tackle contemporary misconceptions that arise when technology is the means by which the offence is committed.

C3P sees the concrete evidence of sexual offences against children every single day. We know that children are, far too often, the victims of sexual violence. Children are deserving of considerations that are specific to them, and victims overall are deserving of considerations that encompass all of the ways in which offences can be committed, including through technology.

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