



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 78

FIRST SESSION, FORTY-THIRD LEGISLATURE

PRAYER AND LAND ACKNOWLEDGEMENT

1:30 O’CLOCK P.M.

Prior to Routine Proceedings, the Speaker made the following statement:

Prior to Routine Proceedings, I would like to clarify remarks I made when the House last met on October 17, 2024. At that time, I shared with Members that I’d noticed that the tone and manner of heckling had become meaner and nastier in recent weeks.

I would like to be clear as possible on this so that every Member understands what I am saying. If you were under the impression that my comments on October 17 were only addressed to one side of the House, you are mistaken. If either side of this House is thinking that my concerns about decorum are only addressed to the other side of the House, I would like to correct that perception.

I’ve noticed a change in the tone of heckling from both sides of this House, and I think it should stop. I am particularly concerned about heckling that takes the form of personal attacks or insults, as I believe that such behaviour is not worthy of the privilege we have all been granted by the people of Manitoba to represent them in this place.

Before we begin our proceedings today, I would urge you all to consider this advice and be mindful of your language in this Chamber. As I have said previously, I am not concerned about heckling if it remains civil, but I am concerned when heckling becomes nasty, and I will be listening to all of you.

Thank you.

Mr. GUENTER, Chairperson of the Standing Committee on Public Accounts, presented its Third Report, which was read as follows:

Meetings

Your Committee met on October 23, 2024 at 1:00 p.m. in the Chamber of the Legislative Building.

Matters under Consideration

- Auditor General's Report – Investigation of the Protection for Persons in Care Office (PPCO) dated July 2023
- Auditor General's Report – Manitoba's Rollout of the COVID-19 Vaccines dated April 2023

Committee Membership

- Mr. BRAR
- MLA CHEN
- MLA DELA CRUZ
- MLA DEVGAN
- Mr. GUENTER (*Chairperson*)
- MLA KENNEDY
- MLA LAMOUREUX
- MLA MALOWAY (*Vice-Chairperson*)
- Mr. NESBITT
- MLA SANDHU
- Mrs. STONE

Substitutions received prior to Committee proceedings:

- MLA BEREZA for Mrs. STONE
- Mr. KING for Mr. NESBITT

Officials Speaking on Record

- Tyson Shtykalo, Auditor General of Manitoba
- Hon. Min. ASAGWARA, Minister of Health, Seniors and Long-Term Care
- Scott Sinclair, Deputy Minister of Health, Seniors and Long-Term Care

Reports Considered and Passed

Your Committee considered and passed the following reports as presented:

- Auditor General's Report – Investigation of the Protection for Persons in Care Office (PPCO) dated July 2023
- Auditor General's Report – Manitoba's Rollout of the COVID-19 Vaccines dated April 2023

On motion of Mr. GUENTER, the Report of the Committee was received.

The Speaker tabled:

Annual Report of Elections Manitoba for the year ending December 31, 2023, including the conduct of the 43rd Provincial General Election, dated October 18, 2024.

(Sessional Paper No. 187)

Pursuant to sub-rule 28(1), Ms. LATHLIN, Mrs. STONE, MLA MALOWAY, Ms. BYRAM and Hon. Mr. MOSES made Member's statements.

By leave, the House reverted to Tabling of Reports.

The Speaker tabled:

Elections Manitoba Proposal to Modify the Voting Process – Vote Anywhere in Manitoba on Election Day at any Returning Office – General Election, dated October 2024.

(Sessional Paper No. 188)

By leave, the House agreed to not see the clock until the following items of business had been concluded:

1. Committee of the Whole consideration of Bill (No. 37) – The Budget Implementation and Tax Statutes Amendment Act, 2024, and reporting of the same back to the House;
2. Second Reading of Bill (No. 39) – The Long-Bladed Weapon Control Act; and
3. Referral of Bill (No. 39) – The Long-Bladed Weapon Control Act, to the Standing Committee on Social and Economic Development.

The House resolved into Committee of the Whole.

Bill (No. 37) – The Budget Implementation and Tax Statutes Amendment Act, 2024/Loi d'exécution du budget de 2024 et modifiant diverses dispositions législatives en matière de fiscalité, was considered in Committee of the Whole and amended as follows:

The following amendment by Hon. Min. SALA was agreed to, on a recorded vote (30-17):

THAT Schedule D to the Bill (The Labour Relations Amendment Act) be amended in Clause 4 by replacing the proposed subsection 89(3) with the following:

Essential services must be addressed

89(3) A union shall not declare or authorize a strike of employees, an employer shall not declare or cause a lockout of the employees, and employees in a unit shall not strike, unless

(a) the bargaining agent for the employees and the employer have made a determination referred to in subsection 94.3(1.1) that an essential services agreement under subsection 94.3(2) is not required and a copy of the determination has been filed with the board;

(b) the bargaining agent for the employees and the employer have entered into an essential services agreement under subsection 94.3(2) and a copy of the agreement has been filed with the board; or

(c) if the parties have not entered into an essential services agreement under subsection 94.3(2), the bargaining agent and the employer are subject to a determination made by

(i) the board under subsection 94.3(6), or

(ii) an arbitrator under subsection 94.3(10.2), and a copy of the determination has been filed with the board.

The following amendment by Hon. Min. SALA was agreed to, on division:

THAT Schedule D to the Bill (The Labour Relations Amendment Act) be amended in Clause 5, in the proposed subsection 93.1(3), by adding "under this section" after "new notice".

The following amendment by Hon. Min. SALA was agreed to, on a recorded vote (30-18):

THAT Schedule D to the Bill (The Labour Relations Amendment Act) be amended in Clause 6:

(a) by adding the following after the proposed subsection 94.1(2):

Use of employees in bargaining unit prohibited

94.1(2.1) During a lockout or legal strike that is intended to involve the cessation of work by all employees in the bargaining unit, no employer or person acting on behalf of an employer shall use the services of any employee in that unit for a purpose other than as permitted under section 94.2 (exception C threat, destruction or damage) or 94.4 (return to work).

(b) in the proposed subsection 94.1(5), by striking out "subsection (1), (2) or (3)" and substituting "any of subsections (1) to (3)"; and

(c) in the proposed subsections 94.2(1) and (2), by striking out "subsection 94.1(1), (2) or (3)" and substituting "any of subsections 94.1(1) to (3)".

The following amendment by Hon. Min. SALA was agreed to, on division:

THAT Schedule D to the Bill (The Labour Relations Amendment Act) be further amended in Clause 6

(a) by adding the following after the proposed subsection 94.3(1):

Determining if essential services agreement is required

94.3(1.1) The parties to a collective agreement must, no later than 180 days before the expiry of that agreement,

- (a) determine whether it is necessary, in the event of a lockout or legal strike, to continue the supply of services, operation of facilities or production of goods to comply with subsection (1);
- (b) set out the determination in writing;
- (c) file a copy of the determination with the board; and
- (d) provide a copy of the determination to the minister if requested to do so by the minister.

The filed copy of the determination has the same effect as an order of the board.

Guideline

94.3(1.2) For certainty, the board may issue a guideline to assist parties in determining whether an essential services agreement is required.

Parties unable to make determination

94.3(1.3) If the parties

- (a) fail to file their determination by the time prescribed in subsection (1.1); or
- (b) determine that no continuation of the supply of services, operation of facilities or production of goods is necessary to comply with subsection (1) in the event of a lockout or legal strike, and the minister is not in agreement with that determination;

then either party or the minister may make an application to the board.

Order

94.3(1.4) If, on an application made under subsection (1.3), the board is of the opinion that a lockout or legal strike could result in a failure to comply with subsection (1), the board may, by order,

- (a) designate the supply of services, operation of facilities and production of goods that it considers necessary to ensure compliance with subsection (1); and
- (b) impose any measure that it considers appropriate for carrying out the requirements of this section.

Time limit

94.3(1.5) The board must determine the matter, make any order and send a copy of its decision and any order to the parties, no later than 30 days after the day on which it received the application.

Late order or decision not invalid

94.3(1.6) Failure of the board to comply with the time limit does not affect the jurisdiction of the board to continue with and determine the application, and any decision or order made by the board after the time limit is not for that reason invalid.

(b) by replacing the proposed subsection 94.3(2) with the following:

Time limit to enter essential services agreement

94.3(2) If

(a) the parties to a collective agreement determine under subsection (1.1) that it is necessary to continue the supply of services, operation of facilities or production of goods to comply with subsection (1); or

(b) the board makes an order under subsection (1.4) designating the supply of services, operation of facilities or production of goods to comply with subsection (1);

then the parties to the collective agreement must, no later than 90 days before the expiry of the term of the collective agreement, enter into an essential services agreement.

Content of essential services agreement

94.3(2.1) The essential services agreement must set out the manner and extent to which the employer, the bargaining agent and the employees in the unit must continue the supply of services, operation of facilities or production of goods, including the number of those employees that, in the opinion of the employer and the bargaining agent, would be required to comply with subsection (1).

(c) by striking out the proposed subsection 94.3(3);

(d) in the proposed subsection 94.3(4), by striking out "entering into the agreement" and substituting "entering into the essential services agreement";

(e) in the proposed subsection 94.3(5), by striking out "an agreement" and substituting "an essential services agreement";

(f) in the proposed subsection 94.3(6),

(i) in the English version, by striking out "an agreement" and substituting "an essential services agreement", and

(ii) by striking out "subsection (1)" and substituting "such an agreement";

(g) in the proposed subsection 94.3(8), by replacing everything after "the board may, by order," with the following:

(a) subject to subsection (10.1), specify the manner and extent to which the employer, the bargaining agent and the employees in the unit must continue to supply services, operate facilities and produce goods; and

(b) impose any measure that it considers appropriate for carrying out the requirements of this section.

(h) by adding the following after the proposed subsection 94.3(10):

Parties may agree to proceed by arbitration

94.3(10.1) Within two days after an application is made to the board under subsection (6), the employer and the bargaining agent may serve notice on the board of

(a) the agreement of the employer and the bargaining agent to settle, by arbitration, the manner and extent to which the employer, the bargaining agent and the employees in the unit must continue to supply services, operate facilities and produce goods in the event of a lockout or legal strike; and

(b) the name of a person who has agreed to act as arbitrator.

Arbitrator to settle terms of essential services agreement

94.3(10.2) If the parties have served a notice that complies with subsection (10.1), the arbitrator named in the notice must, within 30 days after notice is served on the board,

(a) determine the manner and extent to which the employer, the bargaining agent and the employees in the unit must continue to supply services, operate facilities and produce goods in the event of a lockout or legal strike; and

(b) file the determination with the board.

When the determination is filed, it has the same effect as an order of the board.

Arbitrator to settle disputes re essential services agreement

94.3(10.3) The arbitrator who makes a determination under subsection (10.2) must, on application of either party during a lockout or legal strike, settle any matter in dispute between the parties respecting the arbitrator's determination within two days after the application being made.

Board may act if dispute not settled by arbitration

94.3(10.4) For certainty, in respect of a matter determined by an arbitrator, a party may proceed under subsection (12) only if the arbitrator is unable or unwilling to act and the parties are unable to agree on another person to act in the place of the arbitrator.

Jurisdiction retained

94.3(10.5) The failure of an arbitrator to issue a determination within the period of time prescribed in subsection (10.2) or (10.3) does not affect the jurisdiction of the arbitrator to continue with and complete the arbitration proceedings and to issue a final determination.

Application of provisions respecting arbitrator

94.3(10.6) The provisions of this Act respecting arbitration apply, with necessary modifications, to an arbitrator acting under this section.

The following amendment by Hon. Min. SALA was agreed to, on division:

THAT Schedule D to the Bill (The Labour Relations Amendment Act) be amended in Clause 8 by adding the following after Clause 8(2):

Transitional C time periods

8(3) *If, on the coming into force of this section, a time period for applying to the board in respect of an essential services agreement under section 94.3 of **The Labour Relations Act**, as enacted by section 6 of this Act, has already expired, a party to a collective agreement may proceed immediately to make an application to the board.*

The Bill was reported as amended, on a recorded vote (30-18).

On motion of Mr. BLASHKO, the Report of the Committee was received, on division.

Hon. Mr. WIEBE moved:

THAT Bill (No. 39) – The Long-Bladed Weapon Control Act/Loi sur la réglementation des armes à lame longue, be now read a Second Time and be referred to a Committee of this House.

(Recommended by Her Honour the Lieutenant Governor)

And a debate arising,

And Hon. Mr. WIEBE having spoken,

And Mr. BALCAEN, Mrs. COOK and Mr. JOHNSON having questioned the Minister,

And the debate continuing,

And Mr. BALCAEN having spoken,

And the Question being put. It was agreed to.

Hon. Mr. WIEBE tabled:

Message from Her Honour the Lieutenant Governor recommending the disposition of public revenue for Bill (No. 39).

(Sessional Paper No. 189)

The House then adjourned at 11:45 p.m. until 10:00 a.m. Tuesday, October 29, 2024.

Hon. Tom LINDSEY,
Speaker.