



Fifth Session - Thirty-Sixth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Law Amendments

Chairperson
Mr. Marcel Laurendeau
Constituency of St. Norbert



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS

Monday, July 12, 1999

TIME – 7 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Marcel Laurendeau
(St. Norbert)**

**VICE-CHAIRPERSON – Mr. David
Fauschou (Portage la Prairie)**

ATTENDANCE - 10 – QUORUM - 6

Members of the Committee present:

Hon. Mrs. McIntosh, Hon. Mrs. Mitchelson,
Hon. Mr. Pitura

Ms. Cerilli, Messrs. Fauschou, Laurendeau,
Martindale, McAlpine, Sale, Sveinson

APPEARING:

Hon. Mr. Leonard Derkach, Minister of
Rural Development

WITNESSES:

Reverend Harry Lehotsky, New Life
Ministries

Mr. George Harris, AIDS Shelter Coalition
Mr. David Henry, Private Citizen

MATTERS UNDER DISCUSSION:

Bill 40–The Employment and Income Assis-
tance Amendment Act

Clerk Assistant (Ms. JoAnn McKerlie-Korol):
Order, please. Will the Standing Committee on
Law Amendments please come to order. The
first item of business is the election of a
Chairperson. Are there any nominations?

Mr. Doug Martindale (Burrows): I nominate
the member for St. Norbert.

Clerk Assistant: Mr. Laurendeau has been
nominated. Are there any further nominations?
Mr. Laurendeau, please take the Chair.

Mr. Chairperson: This evening the committee
will be continuing with public presentations on
Bill 40, The Employment and Income Assistance
Amendment Act.

We do have a number of presenters who are
registered to speak to this bill this evening. I
will read the names of the persons who have
registered to make presentations this evening:
Reverend Harry Lehotsky, New Life Ministries;
Margot Lavoie, private citizen; George Harris,
AIDS Shelter Coalition; Rabbi Levenson,
Temple Shalom; David Henry, private citizen.

Those are the persons and organizations that
have registered so far. If there is anybody else in
the audience who would like to register or has
not yet registered and would like to make a
presentation, would you please register at the
back of the room. Just a reminder that 20 copies
of your presentation are required. If you require
assistance with photocopying, please see the
Clerk of this committee.

Before we proceed, I would like to remind
members that this committee had previously
agreed that there were no time limits established
for public presentations. It was also agreed that
the names of the presenters who are absent
would be dropped to the bottom of the list and
would be removed from the list after being
called twice.

Before we start, Mr. Martindale, you wanted
to have some discussion with the minister on
the–

Floor Comment: That is concluded.

Mr. Chairperson: You have already concluded that. So, for the record, let us make it clear that we will finish public presentations this evening and deal with clause by clause tomorrow. [agreed]

So let us start with the first presenter, Reverend Harry Lehotsky, please. Do you have any copies of your presentation, Mr. Lehotsky?

Reverend Harry Lehotsky (New Life Ministries): No, I just have some notes written down.

Mr. Chairperson: Thank you very much. Just carry on, then.

Mr. Lehotsky: Just aside from my notes, in listening to some of the previous representations, I could not help but comment on the Communist Party's presentations earlier and the notion of a vision of society that I know imprisoned my grandfather, deprived my uncles and my aunts of work in Europe, that posed as an ideal, under extreme persecution for their faith. I cannot take much of that. So I just had to throw that in, that I do not buy too much of it, not that that was really in question, but I just needed to throw that in after hearing what I heard about an ideal representation of society.

I do have a perspective. It is not the only one in the inner city, but I do have one perspective on some of the proposals regarding workfare. It is one that also has been informed by people both in my congregation and in the community who have basically said can you please take some of these things forward. People who have said that they would not want to come to the hearings themselves, they would not feel comfortable talking out loud in front of a group, but there are some things that they would like to be able to say. They did recognize, interestingly enough, as I have as well, that a lot of the presentations have revolved around an assorted variety of misrepresentations, of fearmongering and of self-protectionism.

* (1910)

I have seen and heard some of the comments that really would fall into those categories. Not all people are being talked about here, and we

have had people who are handicapped at community hearings and here, as well, coming forward. It is almost like they have been told that somebody is going to hit you, you know, and it is not true, but they are coming to react to that, something that they have been told. The fearmongering I have seen, we are talking about those who are able. We are not talking about anybody calling all folks on welfare "bums" or "lazy." Not once have I heard that in any private or public discussions with people who have been involved in this legislation.

I have heard it lots from people on the other side, trying to put words into people's mouths. That is one of the things some of the agencies that have come forward, the poverty advocates, the whole talk about stigmatizing, that this legislation stigmatizes the poor. Basically, again, there I have a problem with that because it has been some of the people in my church and in the neighbourhood who have said, you know, there are people in this neighbourhood who, believe it or not, are the cause of this stigma. The stigma does not come from nowhere. The stigma comes from people who we know can and should be doing better, and they are hurting the rest of us who are here for a reason because we have nowhere else to go. Can you please tell people that, yes, if there is a stigma, and there is one, we need to deal with the cause of some of that stigma?

We are not talking about denying volunteers a chance to apply for jobs. I thought that was kind of silly because I cannot imagine an agency that cares for a person saying, sorry, you cannot go apply for a job, I want you to volunteer for your full 35 hours. I thought the range was ten to 35 anyway but, you know, the notion of an agency that cares for someone saying you owe us that many more hours. I mean, not even an employer does that to some people.

So I would like to think better of the agencies and some of the groups that are talking about volunteering than that. Some people talk about this, just cast it in words of "coercion" and "force." I guess I choose more to cast it in terms of connecting choices with consequences, as is done in every other sector of society. Those who are able to make a choice and have made a choice need to have the consequences attached a

little bit closer to the choices that they are making. Some people who are there without choice need to have the full benefit of a system that is there to protect and work with them.

It is not about discrimination. As far as I know, the last time Bill Gates found somebody deciding and telling him I am not going to work even though I can, or saying, sorry, I am going to be too stoned to do anything useful while I am here, and hurt people at work, I think Bill Gates has also said to those folks, you know, there is a loss of income associated with your decision; there is a consequence. I think again this stuff just makes sense to me, and I understand what the big problem is with some of it, as again, do some of the people in the community with that same problem.

I think sometimes the big rush to avoid a stereotype has not helped the situation at all because, in rushing to avoid the stereotype, we avoid the reality, and there is a reality that some of the stereotype is based on. That reality is there. It has been there since the beginning of time. Someone talked earlier about theological problems, with the notion that some people are lazy. Well, I am sorry, like, way back in the book of Proverbs the word "lazy" is used and people are talked about as having had to have responsibilities. The Apostle Paul said to some people, who for very religious reasons said they would not work, and he did not say, if you could work, you do not eat. He said, if you will not work, you do not eat. They set a priority system in terms of who got fed first, second and third and sometimes who was not assisted by the church because of limited resources.

Now, these are things that, again, I grew up with. I understood them. I heard them preached and taught. I read them myself, and so I do not find it alien to someone who is also a person of faith to support some of these realities, some of these changes that are being proposed. In a couple of key areas, addictions, I think it is important that governments stop assisting suicide. In essence, that is what we are doing with some of the people in my neighbourhood. The money that is given to people should not be used to help and assist in their suicide, because when Wally and Elwood take the money that comes in and they sniff it or they drink it and

they almost fall in front of a car. I have had to pull them back myself. When I get reports of that happening, I do not want to feel like we helped that.

You know what? There are a couple of guys who were living in one of the apartment blocks that we are working on renovating, and they were heavy into sniffing. We worked real seriously with them, but there was a point at which I decided that it would be more important for their rent cheque to go to a treatment centre than to stay in the apartment block to help finance ongoing renovations, and there are more landlords out there like that as well. Not all, but I think to help those who are not like that, too, we need to be able to say: You know what, this person is so much a danger to themselves and to the people around them that their next rent cheque is not going to a landlord in the inner city who is not equipped to deal with their situation; it is going to go to a treatment centre. They are not going to get a vote; it is for their own good. I do not have a problem with that. Maybe somebody does. Maybe somebody has a problem with a big stick and would rather watch for fear of the "big stick." They would rather watch people die with little needles. How can you make negligence look so noble?

Some people have walked up here and made it sound almost noble to sit by and adopt legal language to say it is not all right to forcibly help someone. We have the right, and they have the right to just die right in front of us. I do not feel that dispassionate to the people that I care about in my community. When an intervention is done, and I have been involved in some addiction treatment and addiction counselling and also with people who have come out of programs, when an intervention is done in Tuxedo, the family sits down with the person who is there, and basically I have been in a situation where the wife has said: I am taking the kids and I am leaving if you do not get treatment. Talk about a big stick.

The employer is there at the table, and he says, if you do not change, if you do not get treatment, you are done at the company. That is it. The other social supports are around the table, and they are saying: It sounds pretty big stick to me. This is what happens when people

care about each other. Sometimes it is called tough love. In our neighbourhood, there is concern expressed about it. Is it just at the discretion of a worker who may be grumpy that day? I think we do need a solid mechanism for determining who is really putting themselves and the community at risk, and that can involve even talking to police. There are police reports filed on a consistent basis with some people. There are school issues, family issues, landlord issues, residents and surrounding property. Who knows what all is going to be taken into account here, but there are people who do care and would like to see help come to folks.

In terms of learnfare, it is not questioning, and I have heard another presenter say that it is questioning the ability of parents to really love their kids as if they cannot do it. It is not saying they cannot, but, you know what, they can do better by getting their full education. This is what one of the moms in the neighbourhood said: you know, I chose to stay out of school when the kids started coming. I chose it because I felt it was best. But you know what? Looking back it was not the best, and I wish I would have had that opportunity. I wish somebody would have pushed me to keep going, because what seemed to be my best option at that point was not my best option, and it was not the best for the kids either as they are reflecting back on it.

So, again, I do not have a problem with that. Again, we are talking about six out of 24 hours. We are talking about a little respite for moms while they have a chance to get some help for themselves, as well, some long-term hope and help. I do not have a big problem with that, and a lot of the people who I have talked to, again, have not had a huge amount of problem with that.

* (1920)

Community service: I think to provide a community-friendly, flexible, supportive place to learn confidence, the community needs people and we need placements. We need agencies in the community to work with this legislation. Unfortunately, what I have heard is some of the same activists who have come up here and said that we have a big problem with this legislation, have also basically said behind the scenes at

some antipoverty meetings that we are not going to provide those opportunities for people because they have an issue with the legislation. Forget about what they could be doing for the people; they have an issue with the legislation so they are going to deprive people of opportunities to make a point, and these are helping agencies. Tell me about who is protecting their clients. I do not know what it is, and I do not want to impugn too much to people, but it is easy to get cynical on both sides. I have heard a lot of cynicism expressed about government. We need to have some reality checks out in the community about people who say they are helping folks by withholding opportunities. I do not buy it.

To get someone out of a room into a relationship is a good thing, and volunteering does lead to skills and jobs. I have experienced some myself. I do not know if some people's collars have gotten so white that they think all painting fences and graffiti and picking up trash is demeaning. Not in my neighbourhood it is not. Like, oh, you can pick out those; they are all the welfare people picking up the garbage and painting graffiti. Well, garbage. I pick up garbage and I paint over graffiti. There are people from churches and businesses around the province and from the States; they come up to help with some of this stuff, and they are working side by side with prisoners and businesspeople and church folk doing those kinds of jobs. It is not demeaning. Again, once people are sometimes pushed into it the first time, they quite voluntarily come back to continue on with some of that work and have seen the benefit of it.

Involuntary work: I do not know if when my mom came over from Europe, if when she started working in factories that was her dream of what she was going to do when she grew up and had kids, when she started working in factories in New York City. That was not her ideal image of what work was all about and what her ideal job was, but she looked in the kids' faces, and her and my dad had a talk. She had a terrible boss, a terrible work environment. She did not have the opportunity to choose a wonderful situation, but she chose to work for us. Some people would say she was forced to

work because of the necessity of the situation. Forced, chose, she was in a less than ideal situation, but eventually things changed.

When I worked at McDonald's, I had a rotten boss. It was a terrible wage back there in New York, and it was a rough situation. While I was there, I heard about a steak pub that was hiring bus boys. So I applied there as a bus boy. While I was there, I heard about a painting job in Gimbel's Department Store. So I took that painting job. One thing led to another.

People who had volunteered in the school, which was mentioned earlier, in the parent room, just because they want to be there, and some because they had to be there as conditions of other things that were worked, started to love it once they got there. Now some of those people are applying for jobs as TAs. So do not tell me that volunteering cannot lead to jobs, because I have seen it happen. I mean, how many of those parents have applied for jobs as teachers' assistants now? Well qualified would be a wonderful addition to the school.

The real world: To hear some of the folks who have criticized this legislation, every criminal actually really wants to go straight. That is the first thing they think about when they get up in the morning. Everybody who is not working, really, the first thing they think about is they want to be working. Every addict, when they first get up says: I am going to be clean today. Well, not in the real world, whether you are in a Fortune 500 company or out on the street, in the real world, people do not want to always do the best thing. Sometimes some element of push is necessary, sometimes a pull is necessary, and sometimes just walking alongside someone encouraging them is important.

Some statistics—this is where I have to read, because I am getting to learn a little bit more about the reality of the situation, something I felt, you know. The sky has not fallen like I have heard. Manitoba has the second-lowest percentage of population on welfare. Manitoba's real average weekly wage increase last year was the largest among the provinces. Real average earnings in Manitoba rose by \$7.84 last year. That is a 1.9 percent gain over 1997, compared

to Canada's increase of just over .4 percent on an annual basis for 1998.

Statistics Canada shows, in the last six years, 1992 to 1997, the average incomes of Manitoba families had risen by \$3,066. That is a 6 percent increase, the strongest showing of any province. Our per capita personal disposable income grew by 11.1 percent in total for the seven years between '92 and '98, well above Canada's 8.7 percent gain.

The intellectual and outright—whatever kind of dishonesty you want to call it. It is just outright dishonest to talk about how many programs have been dropped and cut if you are not going to talk about how many have been added and put in that are also even more efficient, some of them, than the ones that were dropped or cut. I cannot believe people are doing this kind of stuff.

The amendment, as I understand it, attempts to broaden what many of us have seen work on a smaller scale. I have experienced this as a pastor and as a member in the community, as an inner-city worker here in Winnipeg for 16 years and in the States before that, that sometimes you cannot narrow the gap between the haves and the have-nots until you broaden the gap between the will and the will-nots. Sometimes you just need to be able to distinguish so that you can see who is really willing to work with you on things, because I have limited energy. Everybody does who is honest about it. You work with the people who are most ready to work with you. Then, lo and behold, more people get interested in working with you eventually. We have seen some of that happen.

I submit this is an honest attempt to use every means to help people to self-sufficiency. To not do this, to not try this, would do more to stigmatize and marginalize people, by insinuating that they cannot and should not be held to the same balance of rights and responsibilities that most of the rest of this country lives by.

I was talking with an ex-hooker who we have gotten to know, who does not come to church, does not believe in coming to church, but her comment on workfare was, you know, when my welfare worker got on my case, I

decided to say, well, forget this; I do not need them on my back anymore. She said she went out and she put out a resume, this time in earnest, because they were pushing too hard this time. When they were not pushing that hard, she had found a way to slough them off. She said when they pushed harder, she went out and put out a resume and she got her own job.

She has been working, \$7 an hour in a helping profession, and she has not had a free weekend since last August. I said: so tell me, you know, this workfare thing, do you think it is going to be helpful to you at all? She said are you kidding me, it already is. Even in my job trying to get other girls off the street, now all of a sudden they have to take things seriously because they know there are consequences to the choice to sleep till three in the afternoon and do whatever you do. Otherwise, there are programs that are available to help people get out of their situations.

This is what she said. There is hope and I am glad that there is more of a push. I said what would have happened to you if somebody would not have pushed you. She said, well, I would have lived with my excuses, my self-protection. I would have lived and starved on welfare. I would have gone back to the streets, started using again, and I would have died there probably. Maybe she is being melodramatic, I do not know. This is her self-assessment of an attempt to do something to change the situation. Thanks.

Mr. Chairperson: Thank you, Reverend Lehotsky. Are there any questions? If not, thank you very much for your—oh, the questions are there now.

* (1930)

Mr. Martindale: Thank you, Mr. Lehotsky. Do you think that The Workplace Safety and Health Act should apply to people doing community service?

Mr. Lehotsky: This is one of those things where sometimes having worked on the streets so much does not help me. I do not know the exact details of that legislation. I would think that in some spots it would not apply, some spots

maybe. I do not know. I would like to know more about that, and that should be looked at.

Mr. Martindale: Mr. Lehotsky, do you think that The Employment Standards Act should apply to people doing community service?

Mr. Lehotsky: Again, I do not know the letter and verse of that. To treat people fairly is important.

Mr. Martindale: Mr. Lehotsky, do you think The Workers Compensation Act should apply to people doing community service?

Mr. Lehotsky: I wish I had these things memorized or had them in front of me so I would know. I do not want to say yes and then part of it I would feel no, later looking at it. The principle is just I would want people to be treated fairly for the work that they are putting in, to be given an opportunity to go further and to be protected while they are there.

Hon. Leonard Derkach (Minister of Rural Development): Mr. Lehotsky, I just wanted to follow up on an example that you used, and that was of yourself working at McDonald's and then from there progressing to other jobs as the information came available to you. A few years ago the Minister of Family Services, myself through my department and the federal government participated in a program in Lynn Lake where we were taking people who were on unemployment and welfare and actually allowed them to work in retrofitting and also demolishing homes that were abandoned and were vandalized. We had 16 people who came to work under a program that was put together, and out of the 16 people, we followed up later on, and 13 of those people found full-time employment. One person did not find any employment, and one individual actually moved away from the community and found employment.

So I think it is just further evidence that if you give people some hope and a hand up they certainly then take off on their own later on. The reason that these people found employment was because when they applied for work, they used as part of their resume the fact that they were working on a project to restore the community that they lived in, and that helped them along in

at least getting their foot in the door. I just wanted to make that as an observation.

Mr. Chairperson: I do not think there was a question there, was there?

Mr. Derkach: No, there was not.

Mr. Chairperson: I did not think so. Thank you very much, Reverend Lehotsky.

Margaret Lavoie. No Margot. We will drop Margot to the bottom once, right? George Harris. Do you have a written presentation, Mr. Harris?

Mr. George Harris (AIDS Shelter Coalition): No, I have not.

Mr. Chairperson: Then just carry on, Mr. Harris. You have our attention.

Mr. Harris: I apologize for not having a written presentation. It was somewhat fortuitous that the last week we carried over to this week as I thought that we were not going to get the opportunity to make a presentation given other things on our agenda, so I do apologize in that regard.

The second regard would be I have spoken to a number of people in other AIDS service organizations, and there are many people who would have liked to have made presentations, but, as some of you may already be aware, we are very actively engaged in a very serious undertaking of trying to consolidate the services that we provide under at least one roof if not one organization. These organizations include Village Clinic, Kali Shiva AIDS services and the Manitoba aboriginal AIDS task force.

I am here acting in my capacity with the AIDS Shelter Coalition of Manitoba, and for those of you who may not be familiar with the work that we do, I will give just a thumbnail sketch. We began with our work in trying to work with people who have been infected with HIV to find suitable accommodation for themselves to assist them in a whole variety of ways. We were instrumental in the creation of the Artemis Housing Co-operative which is based at Crossways in Common which is at the

corner of Furby and Broadway. If any of you have not been down that way, you would be more than welcome.

We began looking at the housing needs of people living with HIV, and then, as very often when you look at any one issue, you realize the issue is not simple. It is a very complex issue because housing is very often impossible without income. So we started looking at issues pertaining to income, and the individuals we were working with, these were individuals who could be reasonably well, and you could not detect from the outside that they were infected, to people who were quite sick.

So it was a whole range. People infected with HIV have been identified, and properly so, as people who are disabled. But, then, of course, income support very often meant when you found situations where people did not have adequate levels of income, whether by means of jobs that were not paying well enough for people who were still working or for people receiving social assistance, we found ourselves looking at things like food support, which has the whole range from the direct food bank to collective kitchens where people pool their money and collectively buy and cook their food to community gardening. Those are some of the things that we have been involved in, and this is by no means a simple task.

The second thing I wanted to mention was people living with HIV and AIDS and what happens from the time of being diagnosed until they end up in a situation of considerable and sometimes extreme poverty. I just never say to a person I know how you feel when somebody says I have just been diagnosed, because I do not know how they feel no matter how long I have worked with them. I will never, ever know how it feels because being told you are HIV positive is one of the most traumatic experiences that a person experiences.

The most common response is the person says: I am scared. I am terrified. I have got calls from people, and they are not just inner-city calls. They are calls from St. Norbert and outside the city from people who have said I have just learned that I am positive. Fortunately, I do not get many of those as first calls.

Emotionally, personally, it is very draining to have to deal with that kind of situation, but what happens with an individual is you go through everything from shock, disbelief, anger, despair, depression, but what happens is, in so many cases, people will move, even if they are relatively eco-nomically well off, to a situation in which they are living in a great degree of poverty.

This means that a disproportionate number of people who are HIV positive are people who are drawing social assistance, and that is not because people who are HIV positive are different from the rest of society; it is just the reality of where they are at. Another reality, and I am not going to link all these to the legislation, because while I am going to be giving a very, very particular slice at this, I do not want to detract from the generality and a lot of the very good presentations that people have made earlier today, but one of the alarming realities that we are experiencing right now is that more and more people who are testing HIV positive, the reason for their testing positive has been that they are intravenous drug users.

You will have publications like this that come out of Health Canada, but one of the realities is the proportion of HIV test reports accounted for by injection drug users increased from 8.6 percent for the years 1985 to 1994 to 30.5 percent for 1995 and 34.6 for 1997. There is a rather dramatic increase there.

* (1940)

Getting to the legislation, and I would encourage you to seriously talk to some of the other agencies who are working with people having AIDS as to what the real impact of this legislation will be on the individuals that we work with. The first thing is, when you look at the legislation that is before us, the obligation regarding addiction treatment. The reality that I know, and the people who I am aware are drug users, has been that all those that I am aware of have been into programs, failed, out of programs.

The success rate is notoriously low. That is one of the realities, and when we are talking about realities, that is where they are. But the one thing that I will constantly be doing is

encouraging people to keep going, to keep trying. Any one of us who has seen the struggles of people trying to break other addictions, such as smoking and that, should realize that something like a drug addiction would be a very, very big challenge to overcome. The whole issue of putting this as an obligation in here—and the people who I know are continually trying; they keep trying—I am really wondering about what exactly would be accomplished by this.

The matter regarding education and training, the education and training is one which a lot of the training and education that people who have HIV and AIDS might be looking for, because a person might be looking for something that is of a particular interest to them, is just not available. When it is available, it is too costly for them to move into. The reality, though, is that there is a lot of interest in training if indeed the means were there, if indeed the ability was there.

I wanted to maybe spend a bit of time just talking about an initiative that we have started to embark on over the past number of months, and that is what we call our back-to-work program which is, if you are to interpret in whatever the language is around this legislation, that, ultimately, rather than having people who are on assistance, you would hope that an individual was a working individual and would be contributing to the society. So we have been looking at all kinds of aspects of this challenge because obviously working with people who have HIV and AIDS is a much more difficult challenge than a person who may not have the infection. Not necessarily so, I just said may be a lot more difficult.

When we started this, we had a meeting in which the four agencies that I referred to, my own, plus Village Clinic, Kali Shiva and the Manitoba Aboriginal AIDS Task Force, got together under the auspices of the Canadian AIDS society, and we just, in a very, very informal way, sent out the word that we were looking at a back-to-work initiative. We had this workshop, and, with relatively poor publicity, 23 individuals came out. They were all interested in getting back to work.

Now, what has changed this? The reality is, and a lot of you may have been following this in

the news, that medications are coming on the market that are allowing people living with HIV and AIDS to live much longer. In the early years, people would get diagnosed and would start thinking, be preparing to die. In the late 1990s, where we are now, people are now saying, hey, I might be here for another 20 years, who knows, depending on what the advances are with the cocktails of drugs that are being developed.

So people are saying, well, yes, I cannot be on this form of assistance indefinitely. So there is a strong desire. I want to point that out because I do not think that when you start talking about people who are on social assistance—and part of the reason for me raising this particular issue or around this particular group of people is that no group of people is entirely homogeneous. One of the challenges of any form of legislation is trying to deal with a group of people and realizing it is not a homogeneous group, that something that you might be using as a stick against one kind of portrayal of people within the group might be very inappropriate for another segment of the group.

To get back to this back-to-work initiative, there was a great deal of enthusiasm, and any stereotyping certainly of those 23 people who I am talking about as people who do not want to go back to work would be inappropriate.

The point that I am trying to leave here with is that there are a few things that the government can do. This legislation is woefully inadequate. I mean, even if one were to assume that all the clauses were appropriate, it is woefully inadequate. It will not solve any problem, in my opinion. I would personally like to see it withdrawn and for there to be a very serious and comprehensive examination of the whole issue of people who are living on various forms of assistance.

I would like to see this government take a serious look at seeing whether there were ways for the government to work with us in AIDS Shelter Coalition and the other AIDS service organizations on the back-to-work initiative. A few resources there would accomplish infinitely

more than whatever sticks there are in this piece of legislation.

Then, as I have mentioned already, please do not take my word for it. I would encourage you to check with the other 13 active AIDS service organizations within this province and to look at various other aspects which I may not have adequately covered here. With that, I think I will leave it for the moment.

Mr. Chairperson: Thank you, Mr. Harris. If you do not mind, I believe there might be a question or two.

Mr. Martindale: Mr. Harris, you said there is a back-to-work program, and it has 23 people in it. I am not sure whether you are applying for funding to have a back-to-work program or whether it has already started. I wonder if you could clarify that for me.

* (1950)

Mr. Harris: We basically were doing a test of the level of interest, and we simply put out the word and said, well, we cannot design a program as George Harris sitting here may not know the realities. As I said, I do not know the reality of how a person feels living with HIV and AIDS, but we have to know directly from the people who are living with that exactly what is the merit in this. By simply putting out the word we had 23 declare a strong interest.

Following up on that, we have gone directly to Health Canada to get the resources and funding to see exactly what the nature of that program would be, and we are moving ahead with this. But we are getting into an area that should be of a great deal of interest to the province, and a few resources would certainly be very, very effective and certainly a lot more effective in dealing with the real problems that the people who we are working with are facing.

Mr. Martindale: You said a few resources there would be very effective. What kinds of resources are you looking for?

Mr. Harris: The resources that we are looking for are certainly things like training resources. I believe that there are programs that the

provincial government may have access to in training resources, and, certainly, when people are wanting to go back into the workforce, that the appropriate training would be there. A lot of the programs that are available there are not affordable, and, certainly, it would be very useful to have those kinds of resources for the individuals.

In terms of designing the program, I think that we can certainly use assistance there, although we would like to rely primarily on the individuals who are experiencing the problem and not necessarily on the experts on the outside, because it is very difficult to know what the individual realities of people are as outsiders.

Mr. Martindale: You said that in your experience, people with HIV want to work. I wonder if you could affirm that you did say that. Secondly, is it your belief that people want to work and therefore this kind of legislation is not needed?

Mr. Harris: The first thing is that I would not apply that to all individuals with HIV and AIDS. The first reality, if you are at all familiar with the disease, is that people become very, very sick. Of course, when people are very, very sick, the desire to go out there and work, certainly any very difficult task would be less, but that would be understandable, and I think most of us would understand that.

But of those people who are feeling well, who are doing well on the medications that they are receiving or who are HIV-positive and have not developed AIDS entirely, amongst those people there is a significant number who would like to be doing better by being out there and contributing, not just getting more, but I know even from those whom we have had involved in volunteering in our own programs, that the feeling that they had themselves when they came forward and offered to volunteer, we found that their feeling of being actively engaged was a very rewarding thing.

Hon. Bonnie Mitchelson (Minister of Family Services): Thanks very much, Mr. Harris, for your presentation. Can you tell me or do you have information that would tell you how many people would be on social allowance in this

category? Are there any? I am sorry, I am not familiar, so I am asking for clarification. Would there be some who might be on employment insurance or any who might be on medical disability, and what proportion or percentage might that be?

Mr. Harris: I do not have the exact figures, and I have not tried to do a survey, although you can sometimes get a little bit of an informal feel. When somebody comes into the office and starts talking about, well, I was expecting a cheque this week and I have not received it, then kind of in your own mind you tick that, but the thing is, that is not a very scientific thing, and I would not want to pretend that I have done anything scientific. We do have individuals who are receiving the CPP disability pension, which they can access. We do have other individuals who have been on provincial social assistance before now.

But there is the other dynamic of the stigma associated with the disease. Even though we are in 1999, and many of us would like to believe that the stigma is gone, within the last few months, I have still had the most horrific stories of people. One man who barricaded himself in a room and called me in desperation because people were sending hate notes under the door. He had himself armed with a club, and he said I need help because if they break through, I am going to hit somebody with this club. That was in a rooming house. He should never have been living in a rooming house in the first place, but that is all he could get. These are the realities of people who are living there.

So many people do not declare or do not identify themselves as having HIV and therefore do not qualify for consideration for being on disability and therefore were on social assistance with the city or maybe even working in a job.

So the exact proportions I do not know, but the further along that you get in the progression of HIV, the more likely you are to be on some form of assistance because the supplementary medications and the additional costs to feed oneself for people living with HIV and AIDS are absolutely huge. So even if you are able to get a certain amount of assistance, any resources that you have you can deplete very quickly, and

people really scramble to try to get additional medications simply to deal with the side effects of the drugs that they are taking.

Mr. Tim Sale (Crescentwood): Just briefly, Mr. Harris, I guess I have had some involvement with the same organization that you have. Do you know of any people who are able to work who, in your view, just simply do not want to because they are lazy or whatever else? I am thinking of the people I know, and I am trying to think of some whom this legislation would be aimed at.

Mr. Harris: I do not know of any. I am talking about a group of people within society who are obviously somewhat unique and at this point in time not a huge proportion of the population, fortunately, I think. But I do not know of anybody that I consider to be truly fit amongst the people that I work with who would not take the opportunity to grab a job.

Some of the major fears that are being expressed, though, are that by going for a job—for example, CPP pensions can be quite good, and if a person goes and looks for a job and declares they are looking for a job, one of the big fears that are expressed, especially by people who are on the CPP pension, which is maybe all of our concern collectively but not particularly with regard to the Manitoba government and finances, is those individuals are very fearful of what the consequences would be, that they could be much worse off if they simply went, say, for example, to the program such as Opportunities for Employment or something like that and then end up with, and I do not want to make it sound as if it is a demeaning job, but I think the term that people often use is an entry-level job. So if you end up with an entry-level job and you have been in better employment situations in the past, it becomes a fear.

There is another problem associated with this, and that is that people who were diagnosed, say, around 1990 or in the late '80s or early '90s who became very unwell and medications have brought them back to a position of appearing much healthier have a great difficulty in explaining to an employer on their resume what happened to them in the last six years.

So you go for an interview. You have a six-year blank and you are not going to disclose because of your fear. Because if you disclose that to an employer, the employer starts thinking about everything from the medical costs of their company health plans or what the other employees will think, or there is a whole range of challenges that they might think, well, maybe this person will be healthy for a little while. They will just get used to the job, and then they are going to take sick again. So the employer is going to look askance at the resume if you start to explain what happened in that gap.

So there are big challenges here, and I think rather than introducing something like this legislation, which is very much seen amongst people who are living with HIV and AIDS as a big stick, it would be better to work with us to identify what these barriers are for getting back into the workplace, developing a program that would effectively get them from point A to point B. Certainly, I know, right off the bat that there are 23 people on a very, very quick sort of invitation who came forward and identified themselves as, gee, I would really like to be back in the workforce.

* (2000)

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

Mr. Harris: Thank you.

Mr. Chairperson: Rabbi Levenson. Rabbi Levenson will drop to the bottom of the—no, he is gone. That is his second call. Mr. David Henry. Do you have a written presentation, Mr. Henry?

Mr. David Henry (Private Citizen): Yes.

Mr. Chairperson: If you could just wait until it has been distributed. Pour yourself a glass of water while you are waiting. Are there some glasses up there?

Mr. Henry: Yes. If it is okay, I will get my juice.

Mr. Chairperson: Why have water when you have the best? Do all the members have a copy of the presentation?

An Honourable Member: No.

Mr. Chairperson: Not yet. Go ahead, Mr. Henry.

Mr. Henry: Thank you. Let us see. It appears I may be last tonight. I would like to say that I am actually representing the self-employed, but we are all too busy to form an organization. I have done a few late nights, and unfortunately this may be somewhat rambling, but I have tried to be concise. I will just read generally.

Bill 40 begins with an annoying grammatical error. I need to point this out. In the first WHEREAS, "while at the same time" is, in fact, a redundancy. It is a simple one, and I will not hammer on this. I notice I have a few typos myself. I did begin by following quite closely the act. I am a bit of a stickler for detail.

I recommend that a period should be added after the word "need" and the remainder of the sentence simply struck. The use of the income assistance program to promote personal responsibility, financial independence and employment, and that is a quote, may seem like a good idea, but it is not. Like the television ads pushing this bill, the wording is, in fact, possibly libelous and may be subject to a class action suit.

If the wording, for example, read as "facilitating financial independence and employment," it would have a positive tone. As it stands, both the first paragraph and the advertisement deliberately refer to those seeking assistance as lacking personal responsibility and possibly alcoholic or drug-addicted. In that these traits are not confined to any one social or economic group, it is just as true and just as libelous to suggest that persons living in River Heights are lacking in personal responsibility and possibly alcoholic or drug-addicted. In a word, this bill starts badly. Unfortunately, it is a tone that I have a problem with. I will explain this later.

The second paragraph beginning "AND WHEREAS a related goal" should also be shortened. I recommend leaving out "through prolonged dependence on income assistance." The flaw is, as before, libelous. It is not hard to prove that exit times from assistance are, in fact,

positively related to the availability of jobs, and that is an inverse positive relationship or the unemployment rate which is, of course, a positive relationship. I will just explain that, of course, the amount of time spent on assistance tends to reduce as unemployment rates drop.

I agree and a number of studies concur that recipients of income assistance do tend to lose their ability to become self-sufficient. The reason, of course, is that the assistance is inadequate to survive on. Persons made listless by hunger do, in fact, find self-sufficiency difficult. I will touch on this point again.

There is nothing at all wrong with the third WHEREAS. One sure way to protect a person's ability to become self-sufficient is to allow them an opportunity to make a contribution to the community. Overall, impoverished persons need to be protected from being isolated and ghettoized. It think this is one area where Reverend Harry Lehotsky who happens to work in the same core area that I do, we do agree.

Continuing through Bill 40, this notion of making a contribution takes a tone which is only clarified by referring to Bill 36 and to the resulting Employment and Income Assistant Act, so, necessarily. I have to refer to that also and cannot be specific to this one bill. Specifically, Clause 5.4(1)(b) changes the meaning of "being allowed an opportunity to make a contribution" to "community service activity that he or she is required to undertake."

Mr. Chairperson: Excuse me, Mr. Henry, I do not mean to interrupt. Could you just bring that mike down a little bit. It is just a shotgun, and it is not quite picking you up right. That will be it.

Mr. Henry: Okay, I am not used to these things. Should I repeat anything here? I think everyone is following along here.

In short, what first sounds like an opportunity is clearly a form of sentencing normally determined in a court of law. It is, oddly enough, England's old Poor Law. Someone, and I suggest this, sooner or later is going to make a career out of this legislation and perhaps the lawyer I know who was on welfare a half decade ago. A class action suit by welfare clients suing

the Tories for libel would make a more exciting election. In fact, my conclusion will help tie this together a bit. It would certainly give the poor the voice they need.

For the sake of brevity, I will attempt to focus my comments. I will stay away from word by word, line by line, working with the bill, to focus my comments to the broadest intentions of Bill 40 and avoid further detailed discussion of the wording. I will also try to avoid covering the same ground as some of the other presenters, as much as I would like to echo the concerns about duplication of services with CFS and the increased and unwarranted scrutiny of parents. I would simply like to compliment Ms. Susan Bruce on her courageous and heartfelt plea. This would be Thursday, last week, in the evening. I would also like to echo concerns about the underfunding of various community agencies, women's shelters, parent resource programs, summer day camps, youth employment programs, et cetera, et cetera. The list is truly endless and perhaps overwhelming, but these agencies are prime venues for job creation efforts.

A modest sum, perhaps three part-time positions in each of a half dozen community groups will likely do more to lower welfare retention rates than Bill 40. Of course, that is qualified by the fact that I do not know what kind of funding is being put forward for this bill.

As well, providing funding to organizations such as Alcoholics Anonymous, Al-Anon and the Addictions Foundation of Manitoba will do more for our society as a whole. The poor, and I cannot emphasize this strongly enough, do not need separate programs, and, again, back to the point about libel, all of our society will profit from such programs. The poor need employment opportunities.

Specifically, the lowering of retention rates is best achieved by creating jobs. The economic restructuring we have witnessed and continue to live through is part and parcel of why the number of persons on assistance ballooned during the mid-'90s. As training programs were also cut during this time, retention rates increased. Reductions in staffing further exacerbated the problem, making the total

caseload for social workers a truly unenviable task.

I am here today because of high unemployment rates during the first half of this decade. I am not here to attack the government on its dismal failure to ensure employment to Manitobans. I suppose I had to sneak in the word "dismal." I can, I hope, leave this task to the party in opposition. I am here today because I am one of the 60 percent of new jobs created during the last decade. I am here because I am one of the self-employed, those who took it upon themselves to create their own job in the face of joblessness. I am, in fact, quoting out of the CIBC's recent report out of their Economic division. That number is for all of Canada.

* (2010)

In the few hours I have had to prepare for this presentation, which has usually been quite late at night, I have read a dozen reports. I expect that all of this same literature is even more easily available to government. Much of it I found on the Internet. Failed workfare programs are everywhere, and information on them is not hard to find. I suggest it should not be ignored. It is clear that workfare does not help people find work. Other provinces have attempted the same and have failed or continue to fail. Efforts in the U.S. have resulted in nightmare scandals.

Reverend Lehotsky's references to some of his work experience actually reminded me of some of mine, which parallel in many ways the kinds of scandals. Untrained personnel handling hazardous materials, for example, is a very serious problem in any workplace. I have worked with some of the best hazardous materials, including asbestos, ketones, all kinds of stuff, acids, everything. It is clear that workfare does not help people find work. I have finished the end of that or the very end.

In sum, extraordinary efforts have been spent to make busy a very few. There is little reason to believe that Manitoba will have any success with workfare. To the unemployed, workfare is only a distraction from skills development and job hunting. It only increases the time spent on assistance, and this is shown in

many studies that it actually can triple that time. The punitive nature of workfare only further contributes to reduced self-esteem. Even the most fresh-faced social worker can tell you that self-esteem is the most precarious and necessary requirement when job hunting day after day. I would like to add to that, also a good meal. I have, myself, experienced the listlessness of hunger. After delivering a dozen resumes on an empty stomach, I can tell you that you really do not have anything left.

Workfare does not work. It only serves to degrade and punish. It ignores the backbone of Conservative ideology, the balance sheet. Aside from the negative human impact, workfare costs far more in dollars than the meagre return in productivity can justify. The \$17 million spent by New Brunswick on a now abandoned program, which I believe is over an eight-year period, could just as easily have gone to creating 2,500 one-year term, part-time jobs. Jobs, as I and others have pointed out, which could be created in the nonprofit sector, jobs which would have a real and substantive community building effect. I think the one real difference between Reverend Lehotsky—I was quite impressed with his presentation—and myself is that I believe that these activist organizations that have been making presentations, in fact, are doing some good and interesting work and merely need a little help to do better.

Workfare is not good ideology for Conservatives. It makes no real economic sense. Raising the allowable earnings limit on assistance would encourage working. It is a fairly simple mechanism. It is cheap in that people actually earn their own money under that mechanism. I can tell you that, when you are trying to save money to go into business, the sooner the better. Having an allowable savings component would encourage entrepreneurial ventures. These strategies make economic sense. Let people help themselves.

I cannot emphasize this strongly enough. We do not need government moving into people's living rooms and telling them, you know, that they are not doing a good enough job of trying to get off welfare. Current allowances are punishment, and they are punishment enough. They make the possibility of escape

from poverty through self-employment impossible, not nearly impossible, but actually and completely impossible. I benefited from the Mennonite Central Committee and the Assiniboine Credit Union co-sponsorship of the seed program without which I would likely be here as a member of PETAS, the organization, People Empowering Themselves Against the System.

I would like to point out that in my company I have rarely employed people. As a matter of fact, I am not incorporated; it is certainly self-employment. But I have, at times, hired single mothers and found them, for a term, a few afternoons, to be superb workers and, as a matter of fact, some of the finest accountants I have ever met. They have a real sense of the value of a nickel. They can balance books very nicely, and I know how that is learned. In social assistance lingo, the lingo of the dole, people do not talk, they do not use the dollar as a denomination any longer. They talk of expenses in terms of days without food. The phone represents, perhaps, five days without food. Office supplies, in my case, was typically a day without food. Those supplies were eaten up quite rapidly by my job searches. Putting \$20 aside monthly, you know, sticking it in a coffee can, so I could buy equipment I needed to start working for myself took a long time. It only ended really when I was able to find a number of part-time jobs eventually and, at first, get off welfare and almost be successful at that and then fall back into it again.

I am here today to comment on Bill 40 for one singular reason. The treatment of unemployed and impoverished persons has declined steadily in this province. Program reductions, staff cuts, allowance reductions and policy change have led Manitobans to the wall. We have been led from a system that tried to help the destitute to a system that vilifies the poorest of the poor. From efforts to alleviate suffering to an attack on the weakest members of our society, Bill 40, like torture, will prove to be an inescapable and agonizing punishment for some. Bill 40 is to me a final affront. It is an affront to my conviction that government can have a positive role. It is an affront to my belief in a just society. It is an affront to my hopes for a healthy economy.

People do not choose to live on social assistance; it is not a career choice but an unfortunate necessity. It is a last resort for those who have nothing. It is a service to those who would otherwise starve. It is a necessity, and yet the alternative is an unspeakable horror. The alternative is to waste away, to lie helpless in the street and to die alone. The prostitute that Reverend Lehotsky—I am sorry to refer so often to his speech, but I was quite impressed. I know him. The alternative and the expressions used by the prostitute he referred to are not hyperbole, they are not exaggerations. People who are on welfare are, in fact, afraid of this. They are afraid for their very life.

Whether we like it or not, poverty will always be with us. The causes are many and unpredictable. As some individuals find success, some will find failure. As some communities increase in wealth, others are likely to decrease. There is no utopia. You live in the real world where there are floods and fires, where accidents happen and where change is our constant companion. How we treat the poor and the disadvantaged defines our society. It defines who we are, our level of understanding, our grasp of the complexities of the world around us. It is the moment where we choose between compassion and cruelty, the moment where we see value in joining together or the moment where we are riven apart.

* (2020)

I expect the best of a freely elected government. I expect that those who are to lead society will not tear it apart. I expect elected officials to behave as leaders and not gang members, to fight fire with water and not gasoline, to wrestle ignorance to the ground and not incite hatred—there are elements of racism underlying this—to ensure that the unemployed do not lose their capacity to become self-sufficient, not to impoverish them further and vilify them when they are most in need.

To summarize, workfare is a waste of money. Its program duplication is a waste of money. Job creation and programs with proven success are being ignored, and in the intent and promotion of this bill, the poor are being wrongly slandered.

Necessarily, I must conclude that this entirely wasteful legislation is intended as pre-election rhetoric. It is an attempt to vilify the poor, to foster a perception of social ills burdening the rest of society. I suspect that the underlying intention is an appeal to working-class and middle-class voters, some of whom will be my neighbours and my clients, as a matter of fact. Promises of relief from high levels of taxation and paying for tax cuts on the backs of a newly indentured poor, the poor once again have become cannon fodder in an election.

I will not stand idly by. I have been there. I will be making public statements summarizing this presentation and will submit a more complete criticism to each major party caucus. I did not have time to properly annotate my research. As well, I will be calling a lawyer.

Mr. Chairperson: Thank you very much, Mr. Henry. Are there any questions of Mr. Henry? I see none, so I thank you very much for your presentation this evening.

Margot Lavoie, for the second call. Margot Lavoie. That concludes Margot.

Is there anybody else in the audience who wanted to make a presentation this evening? Here is your chance. Seeing none, this concludes the public representations for this evening.

As previously agreed, we will be dealing with clause-by-clause tomorrow morning at ten o'clock. See you in the morning. Committee rise.

COMMITTEE ROSE AT: 8:22 p.m.