

**Fifth Session - Thirty-Ninth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Social and Economic Development**

*Chairperson*  
*Mr. Tom Nevakshonoff*  
*Constituency of Interlake*

**Vol. LXIII No. 1 - 6 p.m., Monday, December 6, 2010**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT**

**Monday, December 6, 2010**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Tom Nevakshonoff  
(Interlake)**

**VICE-CHAIRPERSON – Ms. Marilyn Brick  
(St. Norbert)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Mr. Chomiak, Hon. Ms. Howard, Hon.  
Messrs. Lemieux, Swan*

*Ms. Brick, Messrs. Briese, Dyck, Hawranik,  
Martindale, Nevakshonoff, Schuler*

**APPEARING:**

*Hon. Jon Gerrard, MLA for River Heights*

**PUBLIC PRESENTERS:**

*Bill 4–The Retail Businesses Holiday Closing  
Amendment Act*

*Mr. Chuck Davidson, Winnipeg Chamber of  
Commerce*

*Mr. Lanny McInnes, Retail Council of Canada*

*Bill 10–The Employment Standards Code  
Amendment Act (Leave for Citizenship  
Ceremonies)*

*Mr. Sergio Glogowski, Manitoba Ethnocultural  
Advisory and Advocacy Council*

**WRITTEN SUBMISSIONS:**

*Bill 3–The Victims' Bill of Rights Amendment  
Act (Denying Compensation to Offenders and  
Other Amendments)*

*Shereese Qually and Michael Silicz, Manitoba  
Association for Rights and Liberties*

*Bill 5–The City of Winnipeg Charter Amendment  
Act (Historic Property Designations)*

*Cindy Tugwell, Heritage Winnipeg Corporation*

**MATTERS UNDER CONSIDERATION:**

*Bill 3–The Victims' Bill of Rights Amendment  
Act (Denying Compensation to Offenders and  
Other Amendments)*

*Bill 4–The Retail Businesses Holiday Closing  
Amendment Act*

*Bill 5–The City of Winnipeg Charter Amendment  
Act (Historic Property Designations)*

*Bill 8–The Legal Aid Manitoba Amendment Act*

*Bill 9–The Summary Convictions Amendment  
Act*

*Bill 10–The Employment Standards Code  
Amendment Act (Leave for Citizenship  
Ceremonies)*

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**Mr. Chairperson:** Calling the meeting to order. Good evening. Will the Standing Committee on Social and Economic Development please come to order.

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

**Mr. Doug Martindale (Burrows):** I nominate Ms. Brick.

**Mr. Chairperson:** Ms. Brick has been nominated. Are there any other nominations?

Seeing none, Ms. Brick is elected Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 3, The Victims' Bill of Rights Amendment Act (Denying Compensation to Offenders and Other Amendments); Bill 4, The Retail Businesses Holiday Closing Amendment Act; Bill 5, The City of Winnipeg Charter Amendment Act (Historic Property Designations); Bill 8, The Legal Aid Manitoba Amendment Act; Bill 9, The Summary Convictions Amendment Act; Bill 10, The Employment Standards Code Amendment Act (Leave for Citizenship Ceremonies).

How long does the committee wish to sit this evening?

**Hon. Jennifer Howard (Minister of Labour and Immigration):** I would suggest that we sit until 8 o'clock and then we re-evaluate.

**Mr. Chairperson:** Any other suggestions?

Seeing none, is it agreeable to sit till 8 o'clock and then revisit? *[Agreed]*

We have a number of presenters registered to speak this evening as indicated on the lists before you. Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with the staff at the entrance of the room. Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members. Also, in accordance with our rules, 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.

Written submission—written submissions from the following persons have been received and distributed to committee members: Michael Silicz, Manitoba Association for Rights and Liberties, on Bill 4; Cindy Tugwell, Heritage Winnipeg Corporation, on Bill 5.

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

Speaking in committee, prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. 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 have to say that person's name. This is to signal for the Hansard recorder to turn microphones on and off.

Thank you for your patience.

#### **Bill 4—The Retail Businesses Holiday Closing Amendment Act**

**Mr. Chairperson:** We will now proceed with public presentations.

I will now call on Mr. Chuck Davidson, Winnipeg Chamber of Commerce.

Mr. Davidson, do you have any written materials for the committee?

**Mr. Chuck Davidson (Winnipeg Chamber of Commerce):** Just oral.

**Mr. Chairperson:** Oral. Please proceed, sir.

**Mr. Davidson:** Thank you, Mr. Chairperson, MLAs, ladies and gentlemen. My name is Chuck Davidson. I'm the vice-president of policy for the Winnipeg Chamber of Commerce. The chamber of commerce is a not-for-profit organization that represents almost 2,000 businesses in the city of Winnipeg. We've been in existence since 1873 and celebrating our 137th anniversary this year. And I'm pleased to say that our membership is larger today than it has been at any time during those 137 years.

Our role is to foster an environment in which business can prosper and grow. We have long been considered the voice of business because we take credible, well-thought-out positions on issues, which brings us here today to provide comment on Bill 4, The Retail Business Holiday Closing Amendment Act. We applaud the government for introducing Bill 4, and the Winnipeg Chamber of Commerce supports this bill in its entirety. In particular, we applaud the Labour Minister for meeting with the Winnipeg Chamber of Commerce and members of the retail community to hear directly the impact of Boxing Day has on the retail community.

Why is this bill important? Quite simply, Boxing Day is the Super Bowl for the retail community. No other day of the year is even close when it comes to consumer traffic and consumer spending. At St. Vital Centre mall, on a typical Saturday in May, between the hours of 10 o'clock in the morning and 1 o'clock in the afternoon, traffic counts of consumers through the doors are around 4,500 people. During that same time frame on a Saturday prior to Christmas, St. Vital Centre will see traffic counts of about 8,300 people, almost double the traffic. Last year, at St. Vital Centre, on Boxing Day, between those same hours of 10 a.m. and 1 p.m., they experienced foot traffic of 17,200 people through the doors, double

what you expect on a Saturday in the lead-up to Christmas and more than four times the traffic of a typical Saturday any other time of the year. Retailers have told us that Boxing Day sales are quite often what makes a difference in their year-end financial bottom line.

The last time that Boxing Day fell on a Sunday, back in 2004, this government made the decision not to grant an exemption that had been asked for by the Winnipeg Chamber of Commerce. What was the impact of that decision? Retailers have told us that they lost between 40 to 50 per cent of sales of a typical Boxing Day, and those sales cannot be made up. Any retailer will tell you that you can promote Boxing Week or boxing month sales, but it's not the same as Boxing Day. In Canada, Boxing Day is a retail phenomenon similar to Black Friday in United States. Far and away, Boxing Day has become the biggest shopping day of the year, and any restrictions on this day will have a negative impact on retailers.

For the Winnipeg Chamber of Commerce, the issue of Sunday shopping has always been one that boils down to one simple word: choice. It has long been chamber policy that retail businesses should have the choice as to when they open their doors, and it shouldn't be regulated by government. At the end of the day, it will be consumers that inevitably determine when retail outlets are open, based on the choices that they make, and it's clear that one of the choices that consumers have made to date is that they want to shop on Boxing Day.

We live in a society where people have increased expectations and demands when—on their time and are looking for increased convenience in their lives. Manitoba remains one of the few provinces that has restrictions in place when it comes to Sunday shopping, and when the government of PEI passed legislation last Wednesday allowing for Sunday shopping in that province, we inherited the moniker of having the most restrictive retail hours in Canada.

In the past 15 years, we have seen the retail—the establishment of a robust retail environment in Manitoba. Retailers like Walmart, Home Depot, Best Buy, London Drugs and many other retailers have opened in Manitoba, creating employment and meeting the needs of consumers.

\* (18:10)

Retail spending in Manitoba has also been strong over the past number of years. Outside of 2009, where the recession impacted retail spending across

Canada, Manitoba has seen annual increases in retail spending of 4.1 per cent in 2006, 8.9 per cent in 2007, 6.9 per cent in 2008, and, in the first nine months of this year, we have seen increases over last year of 6.3 per cent. In fact, in 2009, according to Stats Canada, retail sales in Manitoba were just under \$15 billion, and we're well on track to surpass the \$15-billion mark this year for the first time ever.

There are those that speculate if the government was to allow retailers to determine their own hours of operations, we would see 24-7 shopping in Manitoba. In fact, I've heard some concerns that if Bill 4 is passed, some retailers will open on midnight on Boxing Day. I can assure you that is not happening anywhere in Canada and, while Manitoba retailers are excited about the opportunities surrounding Boxing Day, not one retailer that we have talked to has any plans to open that early. For instance, I can tell you today that if Bill 4 passes, malls in Winnipeg will be open from 8 a.m. until 6 p.m. The earliest that any store has any plans to open, that we've talked to, is 6 a.m.

In conclusion, I would urge all of you to pass Bill 4 because time is of the essence. Boxing Day happens in less than three weeks. National retailers are holding advertising print runs until the situation in Manitoba is resolved, and retailers are wanting to put staffing schedules in place pending the resolution of this bill. Retailers also need time to inform their consumers that Boxing Day this year will be no different than any other year pending the resolution of this bill.

This bill is about choice. Retailers will have the choice as to whether or not they want to open and what hours they want to open. Communities will still have the choice as to whether or not they allow Sunday shopping. Employees will have the choice as to whether or not they want to work on Sunday and consumers will still have the choice on whether or not they want to shop on Sunday.

I urge you to make the right choice and ensure Bill 4 is passed. Thank you.

**Mr. Chairperson:** Thank you for your presentation, Mr. Davidson.

I open the floor to questions.

**Hon. Jennifer Howard (Minister of Labour and Immigration):** Thank you, thank you very much for your presentation. We miss your voice in radio. I was reminded when you were speaking there what a great radio voice that you had.

I just want to thank you for your presentation tonight, but also the meeting that we had, and I want you to convey to all of your members that they brought forward great, reasoned arguments. It was a very good discussion and it was very convincing, obviously, because we bring–brought forward that legislation.

One of–two things that I want you to maybe address a little bit more. One of the discussions we had, of course, was the timeliness, making sure that retailers had time to take advantage of the change in law, just looking for some reassurance from you that, if this law is passed in the next few days, that they will have time to do that.

And the other thing that I thought was interesting in that presentation was discussion about the impact of the dollar being at par with the American dollar, and also this Saturday closing. And I wonder if you want to talk a little bit about that.

**Mr. Davidson:** Sure. Retailers have indicated that there is enough time to make those decisions. Time is getting tight for them. I know that there are some major retailers that, as I did mention, are holding advertising runs because what they want to do is get their advertising for all across western Canada, and they're waiting to see what the times are going to be in Manitoba. Are they going to be similar to what we see in other provinces? They're waiting until—and I've told them you have to wait until the 9th, and that would be the last day for a decision. So, hopefully, we can conclude it by that time. They say it is—it will be enough time for them to be able to get their staffing plans in place, as well as to get their advertising to let consumers know as well.

The dollar is a concern. The dollar is always a concern just in regards to that attractiveness of shopping south of the border and how we need to continue to have a strong retail community here in Manitoba. Something that has been strengthened over the past number of years, but something that we need to continually take advantage of the situation that occurs here, to have more people to see the need to be able to spend that money here in Manitoba rather than necessarily always feeling the need to cross the border and shop in Grand Forks and Fargo.

**Mr. Peter Dyck (Pembina):** I don't have a question of you, but, Mr. Davidson, I want to thank you for your presentation. I did have some questions. However, you answered them in your presentation. So I want to thank you for taking time to come here

and to give us your comments, and certainly want to indicate to you that we support the bill.

**Hon. Jon Gerrard (River Heights):** I also in support of the bill, but I have a question for you. You said that employees will have the option of whether or not they work, but I've been hearing concern from employees that they feel that they won't have any option, that they will have to work.

**Mr. Davidson:** What the retail community continually tells us is that employees do have that option. They do have to give notification to employers. But what employers are also saying, and we've asked that question, if you go to earlier hours on Boxing Day, are you going to have challenges in terms of getting staff to fill those hours? They say, absolutely not.

**Mr. Gerrard:** If employers are working earlier hours because Boxing Day is a stat holiday, will they get extra pay?

**Mr. Davidson:** Boxing Day isn't a stat holiday.

**An Honourable Member:** So there won't be any extra pay.

**Mr. Davidson:** Not unless there's changes that make Boxing Day a stat holiday here in Manitoban which it currently is not.

**Mr. Chairperson:** Seeing no further questions, sir, I thank you for your presentation.

I now call Mr. Lanny McInnes, Retail Council of Canada.

Mr. McInnes, do you have any written materials for the committee?

**Mr. Lanny McInnes (Retail Council of Canada):** I do.

**Mr. Chairperson:** Our staff will distribute them. You may begin.

**Mr. McInnes:** On behalf of Manitoba's retail sector, thank you very much to the committee for the opportunity to speak to Bill 4. Retail Council of Canada has been the voice of retail in Canada since 1963. We speak for an industry that touches the daily lives of Canadians in every corner of the country by providing jobs, career opportunities, and by investing in the communities that we serve.

RCC is a not-for-profit, industry-funded association representing more than 40,000 storefronts of all retail formats across Canada including department, specialty, discount, and

independent stores, and online merchants. RCC is a strong advocate for retailing in Canada and works with all levels of government and other stakeholders to support employment growth and career opportunities in retail, to promote and sustain retail investment in communities from coast to coast, and to enhance consumer choice and industry competitiveness. RCC also provides its memberships with a full range of services and programs including education and training, benchmarking and best practices, networking, advocacy, and industry information.

As you know, the retail sector is a vital contributor to Manitoba's economy. Retail sales in Manitoba topped \$14.9 billion in 2009. There are approximately 6,800 retail establishments in Manitoba directly employing over 71,000 Manitobans. This represents over 11 per cent of the province's total employment making the retail industry Manitoba's second largest employer.

The contributions made by this economic sector are felt in every corner of the province and affect the lives of all residents. Boxing Day is the most important day of the year for most retailers. December 26 has traditionally been the single busiest day for most retailers in terms of both traffic and volume sales. The level of success that many retailers have on Boxing Day determines how successful their year will be. Big or small, Boxing Day is a make-or-break day for many Manitoba retailers.

Generally, retailers are allowed to determine their own hours of operations to properly serve their customers and meet the increased demands on Boxing Day. The exception is when Boxing Day falls on Sunday. In 2004, Retail Council of Canada wrote the then-minister of Labour requesting that retailers be allowed to extend their hours of operation on December 26, the last time that Boxing Day fell on a Sunday. At that time, the government of Manitoba indicated that they would not be allowing an extension under The Retail Businesses Holiday Closing Act in 2004 but would address the issue before Boxing Day again fell on a Sunday, in 2010.

Both national and local independent retailers operating felt the impact that restricted hours of operations had on sales and traffic counts in 2004. Sales decreased significantly for many retailers and were not made up during the following days after December 26.

In 2010, retailers were not only facing continued restrictions on the biggest sales day of the year but also the fact that they'll be closed on two Saturdays during the holiday sales season. Saturdays are traditionally the busiest day of the week for retailers and losing two peak sales days during the busiest and most important sales period of the year will have a significant negative impact for many retailers. It's for these reasons that RCC once again raised this issue with the Department of Labour to request that retailers be allowed to extend their hours of operation on December 26, 2010.

On November 8, RCC was part of a delegation representing Manitoba's retail sector that met with the Minister of Labour (Ms. Howard) to raise our concerns, outline the impact current restrictions on Boxing Day will have on retailers, their staff, and their customers, and to request that retailers be allowed to choose when to open their stores on Boxing Day to better serve their customers.

\* (18:20)

Retail Council of Canada, on behalf of our members operating in Manitoba, is very pleased that the minister has listened to retailers and consumers and has introduced Bill 4. Bill 4 reflects the wishes of Manitoba's retailers to be able to determine their own hours of operation on Boxing Day as retailers in most other provinces are able to do.

Bill 4 will still provide municipalities with the ability to make local decisions regarding hours on Boxing Day, if they choose to do so, and, as well, mall-based retailers and other mall tenants will have the ability to choose their own hours of operation when Boxing Day falls on a Sunday, including the choice not to open at all. Under this legislation, the retailer, rather than the lease or tenant agreement with the mall, will determine when they can be open. These provisions are important to ensuring that retailer choice is protected.

It's our hope that the Manitoba Legislature will pass Bill 4 quickly so that royal assent can be granted before the end of this session and Manitoba retailers can have enough time to properly plan to provide their customers with better hours, better service and experience better sales this Boxing Day.

Again, we thank the minister for introducing Bill 4, and we thank the committee for your consideration. Thank you.

**Mr. Chairperson:** Thank you for your presentation, Mr. McInnes.

Questions?

**Ms. Howard:** Thank you very much for your presentation, and thank you also for our meeting that we had.

One question I wanted to ask you, sometimes in the past we've heard that extended hours on Sundays—and I know we're just talking about Boxing Day here—that it doesn't really benefit small retailers or independent retailers because they don't take advantage of it the same way, and I know in our discussion we talked about that. And I wonder if you want to give the committee a little bit more information in your capacity as representing all kinds of retailers how the extended hours on Boxing Day will affect small independent retailers.

**Mr. McInnes:** The response from independent retailers to our outreach in terms of wanting to extend hours on Boxing Day was overwhelming. Many indicated that they were not able to pick up the sales that were lost as a result of restricted hours in 2004. Despite the fact that Boxing Day is now more and more known as boxing week, those sales were lost and were not picked up. So independent retailers were very aggressive in terms of wanting to make sure that this issue was raised and that they were able to open their doors to serve their customers when it made the most sense for them, and were able to be able to—facilitate any changes that they needed to in terms of being able to do that in a timely fashion so they had enough time to make sure their staffing complement was correct. And, with the indication of the government introducing this bill and listening to their concerns, they're very pleased with this bill.

**Mr. Dyck:** I, too, want to thank you for your presentation and, as I indicated before, I don't have a question, but I want to thank you for the research that you did with your council and certainly indicate that we will support the bill.

**Mr. Gerrard:** Thank you for your presentation.

I note in your presentation that you indicate the support for the provisions to allow municipalities the ability to make local decisions, and I'm just curious as to the experience in other provinces to what extent municipalities, if they have those powers in other provinces, are using them.

**Mr. McInnes:** Almost exclusively hours of operation in other provinces are determined on a

municipal basis. Manitoba is virtually now the only Province that restricts Sunday shopping hours on— with provincial legislation. So, essentially, every other Province has allowed municipalities to allow— or make the determination on when stores should be open on Sundays, many of which have left it up to the retailer to determine what makes the most sense for them.

**Mr. Gerrard:** Yes, but my question was whether in fact there are municipalities in other provinces which have decided not to allow such shopping on Boxing Day when it falls after Christmas.

**Mr. McInnes:** Not that I'm aware of off the top of my head. I don't know of any municipality that has closed shopping on Boxing Day.

**Mr. Gerrard:** Thank you, and, as I noted earlier, we'll be supporting that.

**Mr. Chairperson:** Seeing no further questions, sir, I thank you for your presentation.

#### **Bill 10—The Employment Standards Code Amendment Act (Leave for Citizenship Ceremonies)**

**Mr. Chairperson:** I now call Mr. Sergio Glogowski, Manitoba Ethnocultural Advisory and Advocacy Council.

Mr. Glogowski, you have some written materials, I see.

**Mr. Sergio Glogowski (Manitoba Ethnocultural Advisory and Advocacy Council):** I did.

**Mr. Chairperson:** Our staff will distribute them. You may begin.

**Mr. Glogowski:** Okay. Good evening. My name is Sergio Glogowski, and I am the vice-chairperson of MEAAC, or Manitoba Ethnocultural Advisory and Advocacy Council.

MEACC provides information, advice, and recommendations to the Minister responsible for Multiculturalism, Minister Flor Marcelino, on behalf of the multicultural community on ethnocultural matters.

The Manitoba Ethnocultural Advisory and Advocacy Council Act, passed in 2001, created a 21-member body, with 16 members nominated by ethnocultural organizations and community groups and five members appointed by the minister. Hence, MEACC represents the multicultural community of the province of Manitoba. During its term, MEAAC

maintains contacts with ethnocultural groups in the province, and we are constantly interviewing them. We can testify how important it is to immigrants to be Canadians. Most of us decided to move to Canada due to hardships in our former countries or a vision of a better life. Some came with a totally different culture. Some didn't know the language. We had to struggle to get a job, sometimes underpaid and not the job that we were trained for, but persevere and win. That means that after some years most of us have made it.

Now comes the last step. We decided that this is the country that we want to be. This is our choice. This is where we want our family and children to grow up. Let's then become a citizen and fully embrace the citizenship that Canada generously offers us.

Based on my personal experience, this was the most important day—one of the most important days of my life and of my family. I can share with you the pictures of that day—it is in the reverse page, right: my family and I proudly standing beside two RCMP officers dressed in their ceremonial red. One of my sons, 14 years old at that time, beaming as he received from Judge Miki his citizenship certificate. It was for me a day to remember, to be proud, and a memory to cherish. A friend of mine that came to one of those ceremonies when on a trip here told me that participating made him decide to immigrate.

It is unthinkable for me to imagine that all immigrants would not have the opportunity to participate in such a ceremony. I have been to many of those ceremonies as a friend or representative of my association. I would recommend you, if you hadn't the opportunity to do yet, to go and participate in one. See how this mix of different people are proud and happy to be given the citizenship and to be called a Canadian.

In behalf of MEAAC and the immigrant communities that we represent, multicultural as well, I formally request that you put forward and approve Bill 19 to allow future Canadians to participate on the citizenship ceremony and to let this day mark their lives as it did to mine. Thank you.

**Mr. Chairperson:** Thank you for your presentation, Mr. Glogowski.

Questions.

**Hon. Jennifer Howard (Minister of Labour and Immigration):** Well, thank you very much for your presentation and for the pictures. I've had the

opportunity to be at many citizenship ceremonies, and you're right. It's always a great opportunity for those, especially for those of us who were born in Canada, to reaffirm our citizenship and just to let you know, members of the committee know, there'll be one here tomorrow morning at 11 a.m. We'll have our citizenship ceremony at the Legislature.

I just wanted to ask you, in your presentation you talked about, you know, why people come to Manitoba. Maybe you could talk a little bit more about how important the citizenship ceremony experience is and why you think it's important that people are allowed to leave their employment, or allowed that leave so that they can attend it.

**Mr. Glogowski:** Is something of, you know, it made me proud. It made—it was something important for me. I mean, being a Canadian, turning Canadian, was for me a turning point. Is that moment I really belonged to this place, and from that time on, too, I could, I don't know, vote, decide my future, decide the future of my children. Vote's special right, I think is. But, anyway, so I don't know how to say more, but it's important. Not letting somebody go to a ceremony like this and to participate and see all the faces that you have around—I have pictures of all the public sitting there, and you bring your friends. Judge Miki even made a joke there because when my name was called, I had a crowd cheering and they said, well, you brought your own soccer crowd here. Yeah, so—but this is important. It's really—is very nice thing to do.

\* (18:30)

**Mr. Peter Dyck (Pembina):** I, too, want to thank you for your presentation. I do, however, have one question. I'm just wondering, while we support the legislation, are you aware of anyone who has been denied by his employer the opportunity to go to any of these citizenship courts?

**Floor Comment:** Not that I know.

**Hon. Jon Gerrard (River Heights):** Thank you, Mr. Glogowski. Just—I think the citizenship ceremony's a very important one and you certainly pay tribute to that importance. And we hope that no one has been denied the option to attend such a citizenship ceremony and hope that, you know, with this legislation, you know, it shouldn't happen, but hopefully it has not happened in the past either. Thank you.

**Mr. Glogowski:** Just to comment something. Some places, some workplaces they work—people work by

the hour so—and is not easy to get off the work. For instance in my workplace the hourly workers who have to, request a special way to go. If there's nobody there to replace him, I probably—they probably would not be allowed to go. Thank you.

**Ms. Marilyn Brick (St. Norbert):** Mr. Glogowski, I wanted to say to you thank you so much for sharing your story and reminding us of the personal significance of that day for you. And I also wanted to say thank you very much for choosing Manitoba as your home and being a great advocate for the immigrants' community.

**Mr. Chairperson:** Seeing no further questions, sir, I thank you for your presentation.

That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation?

Seeing none, that concludes public presentations.

In what order does the committee wish to proceed with clause-by-clause consideration of these bills?

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Mr. Chairperson, I note all the presenters here tonight are on Minister Howard's bills, so perhaps we could start with Bills 4 and 10, move to Bill 5, and then the three Justice bills can bring us home. That's Bills 3, 8 and 9.

**Mr. Chairperson:** Committee's heard Mr. Swan's proposal. Agreeable? *[Agreed]*

Okay, we'll begin with 4, then 10, then 5—*[interjection]* 3, 8, 9. Okay.

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]*

We will now proceed to clause by clause consideration of the bills.

#### **Bill 4—The Retail Businesses Holiday Closing Amendment Act**

**Mr. Chairperson:** Bill 4. Does the minister responsible for Bill 4 have an opening statement?

**Hon. Jennifer Howard (Minister of Labour and Immigration):** Just a brief opening statement, Mr. Chair. I just want to again thank the business community, the representatives of the retailers that I had an opportunity to meet with and discuss this issue. They made very compelling arguments that to allow for unrestricted hours on Boxing Day not only provides that choice to consumers but also is a very important part of Manitoba's economy.

I think one of the most compelling arguments for me was the situation with the dollar being at par and closing on Christmas Day, which is Saturday, making the States an even more attractive option for Manitoba shoppers, and certainly we want to do whatever we can to make sure that our retailers are competitive.

I would note from the presentation the tremendous growth in retail sales that we've seen in this province and that's a tribute to the hard-working people in the retail sector.

So the other thing I would say that was very important to us as we look to this bill was preserving the opportunity for those municipalities who have decided not to have Sunday opening, to continue to not have Sunday opening on Boxing Day. We do not want to take away that ability from those municipalities, so we also consulted with AMM and with city managers in some of the larger cities to make sure that they understood what they had to do. I think, really, in tribute to the Legislative Counsel and to the staff in my department, we found a solution that didn't create a hardship for municipalities; they don't have to do anything different, pass any kind of bylaw. Those municipalities that don't currently have Sunday shopping will not have shopping on Boxing Day. Those that do will have wider hours on Boxing Day.

So I just want to thank again the presenters who were here. I note the support of the opposition for this bill and thank them for that. I'd also just briefly like to introduce my staff who's here: Dave Dyson, the executive director of Employment Standards. He's probably going to be the happiest guy in the room should this bill pass, that he won't have to deal with the issue of Sunday shopping on Boxing Day again in his career. Thank you.

**Mr. Chairperson:** Thank you, Madam Minister.

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

**An Honourable Member:** No, I don't.

**Mr. Chairperson:** Thank you for that.

Let's move to clause by clause.

Clauses 1 and 2—pass; clause 3—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 10—The Employment Standards Code  
Amendment Act  
(Leave for Citizenship Ceremonies)**

**Mr. Chairperson:** Now move on to Bill 10.

Does the minister responsible for Bill 10 have an opening statement?

**Hon. Jennifer Howard (Minister of Labour and Immigration):** Yes, just a brief opening statement.

I want to, of course, thank the presenter we had here from MEAAC. Part of my job as Minister responsible for Immigration, I get to hear those great stories frequently of people who've come to this country who've worked hard in this country and become citizens and how joyful that moment is when they become citizens.

I do want to say this follows on other bills that we've brought forward, I know that opposition members have brought forward, to enhance employment leaves. This is an unpaid leave. It requires employees to give notice of 14 days where possible to their employers. We had the Labour Management Review committee take a look at this, and it comes with their consensus. I know that some will say, what kind of employer would ever say that someone can't go to their citizenship ceremony. We have heard stories of that happening, very few, thankfully, but it has happened, and so we want to make sure that there is extra clarity that we value people coming to this country. We value that moment that they have their citizenship; and, just as we provide leave for people to go and vote, we also want to provide leave for this participation in our country.

So those are the reasons for the bill. I note the opposition has been supportive, and I thank them for that.

**Mr. Chairperson:** We thank the minister.

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

**Mr. Peter Dyck (Pembina):** Mr. Chair, just a few comments. One is I would indicate that I really think

this bill could've probably been done by regulation, and, on the other hand, I would also indicate that I come from an area where there's a lot of immigration taking place and I have never yet heard of any employer who has denied leave for their employees to go and get their citizenship. In fact, I would indicate that our employers are extremely proud of the people who want to become Canadian citizens.

So, with those few comments, I'll just let it be.

**Mr. Chairperson:** We thank the member. Proceed to clause by clause.

Clauses 1 and 2—pass; clause 3—pass; enacting clause—pass; title—pass. Bill be reported.

\* (18:40)

**Bill 5—The City of Winnipeg Charter  
Amendment Act  
(Historic Property Designations)**

**Mr. Chairperson:** Now move on to Bill 5.

Does the minister responsible for Bill 5 have an opening statement?

**Hon. Ron Lemieux (Minister of Local Government):** Just a brief comment.

This bill enhances the City of Winnipeg's authority to protect and preserve historic properties. Proposed changes would give the city new authority to designate sites such as cemeteries and parks and, currently, Winnipeg can only designate buildings, and we're also responding to the City's request for authority to register historic designations on a property's title at Land Titles office.

To that extent, I thank you for the opportunity to make a couple of comments. Thanks.

**Mr. Chairperson:** We thank the minister.

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

**Mr. Stuart Briese (Ste. Rose):** Very briefly, Mr. Chair, thank you. This bill actually just gives the—makes the changes to the Winnipeg Charter that all other municipalities in the province have enjoyed for quite a number of years already. We have no problem with this bill and we will support it.

**Mr. Chairperson:** Thank you, Mr. Briese. Proceed to clauses.

Clauses 1 through 3—pass; clause 4—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 3—The Victims' Bill of Rights Amendment Act  
(Denying Compensation to Offenders  
and Other Amendments)**

**Mr. Chairperson:** Now move on to Bill 3. Does the minister responsible for Bill 3 have an opening statement?

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Yes, Mr. Chairperson.

Bill 3 contains several amendments to the Compensation for Victims of Crime program. The amendments will provide greater clarity in terms of benefits available to witnesses, victims, and family members affected by crime. And, as well, because we want to ensure that services can continue to be provided and expanded to victims, witnesses, and the families of victims, we will be, well, we hope by this legislation to allow Victim Services staff to disentitle individuals who have criminal convictions for serious offences. Those offences will be set out in regulation but we intend to make it those offences with some of the toughest penalties under the Criminal Code of Canada and the Controlled Drugs and Substances Act so that if somebody has one of these convictions, they will not be entitled to Victim Services benefits for 10 years.

As well, individuals who engage in a series of crimes and have a series of convictions for minor offences can also be disentitled at the discretion of Victim Services if they have a conviction in five years leading up to the time they're asking for those services.

So we want to send a message that victim services, of course, are very important. They should go to those who are truly entitled to them. And, as well, we want this to be a message to people who may be making bad choices and getting involved in criminal activity, that by doing that, they are themselves becoming a target for violent crime, for injury, even death, and it's one more thing we can do to stop people from getting involved in crime in the first place.

**Mr. Chairperson:** I thank the minister.

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

**An Honourable Member:** No.

**Mr. Chairperson:** Seeing none, we thank the critic.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clause 5—pass; clauses 6 and 7—pass; clauses 8 and 9—

pass; clauses 10 and 11—pass; clauses 12 and 13—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 8—The Legal Aid Manitoba Amendment Act**

**Mr. Chairperson:** Does the minister responsible for Bill 8 have an opening statement?

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Yes, Mr. Chairperson.

This bill, Bill 8, would extend the definition of land used for the statements Legal Aid Manitoba currently files against adult clients so that it applies to new statements as described below, meaning, basically, that if young people are charged with crimes under the Youth Criminal Justice Act, if the parents have means, the parents should pay the legal bills for their children. If parents with means chose not to and a Legal Aid lawyer is appointed, Legal Aid Manitoba will be able to pursue the parents for repayment of that—of the cost of providing legal services and Legal Aid Manitoba will be able to put a lien against real property owned by the parents.

It's something which is contemplated by the Youth Criminal Justice Act, and we think it appropriate so we can direct Legal Aid services to those Manitobans truly in need, to have parents with means pay for the cost of their children's defence.

**Mr. Chairperson:** Thank you, Mr. Swan.

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

**Mr. Gerald Hawranik (Lac du Bonnet):** Well, not exactly the critic, but I can tell you we support the bill.

**Mr. Chairperson:** Thank you, Mr. Hawranik.

Move on to clauses.

Clauses 1 through 3—pass; clauses 4 and 5—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 9—The Summary Convictions  
Amendment Act**

**Mr. Chairperson:** We now move on to Bill 9.

Does the minister responsible for Bill 9 have an opening statement?

**Mr. Andrew Swan (Minister of Justice and Attorney General):** Yes, Mr. Chairperson.

Bill 9 is intended to recover substantial resources required by the Province to collect outstanding fines

from individuals and businesses who break the law and then fail to pay their court-ordered fines. Over the past number of years, we've added a number of legislative and regulatory provisions to go after those who don't pay their fines, things like driver's licence holds, vehicle registration holds, as well as pursuing people by garnishing orders and writs of seizure and sale. This will add one more tool to the efforts of the government to recover these fines, effectively saying that people who choose not to pay their fines will have to pay the costs of recovering those amounts and not the taxpayers of Manitoba.

**Mr. Chairperson:** Thank you, Mr. Swan.

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

**Mr. Gerald Hawranik (Lac du Bonnet):** The opposition supports the bill.

**Mr. Chairperson:** Thank you, Mr. Hawranik.

Clauses 1 through 3—pass; clause 4—pass; clauses 5 through 7—pass; clause 8—pass; clauses 9 and 10—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 6:49, what is the will of the committee?

**An Honourable Member:** Committee rise.

**Mr. Chairperson:** The committee rise.

**COMMITTEE ROSE AT: 6:49 p.m.**

#### WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Re: Bill 3

On behalf of the Manitoba Association for Rights and Liberties ("MARL"), we wish to draw the Standing Committee on Social and Economic Development's attention to inadequacies found in Bill 3: *The Victims' Bill of Rights Amendment Act (Denying Compensation to Offenders and Other Amendments)* (the "Bill").

We would like to first point out to the Standing Committee on Social and Economic Development (the "committee") the issues we have with section 9 of the Bill, which amends section 54 of the existing *The Victims' Bill of Rights*. The proposed amendments read:

9 The following is added after section 54:

Definition of "prescribed offence"

54.1(1) In this section, "prescribed offence" means an offence under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada) that is prescribed in the regulations.

No compensation—victim convicted of prescribed offence

54.1(2) No compensation is payable under this Part if the victim has been convicted of a prescribed offence.

Exception

54.1(3) As an exception to subsection (2), the director may, in accordance with the regulations, pay compensation under this Part if

(a) the victim's conviction for the prescribed offence occurred more than 10 years before the incident that resulted in the victim's injury or death; and

(b) the victim has not been convicted of any offence under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada) since he or she was convicted of the prescribed offence.

Denial or reduction of compensation due to recent conviction for non-prescribed offences

54.1(4) The director may, in accordance with the regulations, deny or reduce the amount of compensation payable under this Part if the victim was convicted of one or more offences under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada)—other than a prescribed offence—within the five-year period before the incident that resulted in the victim's injury or death.

MARL is of the opinion that these proposed amendments may infringe on the rights of individuals who should otherwise be entitled to compensation. Specifically, MARL argues that reducing or denying compensation to victims of crime on the basis of previous and possibly unrelated crimes they may have committed as per s. 54.1(4) is a dangerous precedent. While regulations will likely better define the law in time, MARL nonetheless voices its objection to such a vaguely defined principle. MARL takes issue with the denial of compensation to the victim for any past offences that are unrelated to the injury in question. Bill 3 will give the director great power, yet there is little information in the proposed amendments that define the scope of said power. MARL feels strongly that the Committee should consider these points when reviewing the Bill.

Second, MARL also is of the opinion that there may be constitutional issues involved, specifically that the province may be ultra vires in attempting to add additional penalties for past criminal convictions.

For these reasons, MARL urges the Committee proceed with caution when reviewing this Bill, especially when taking into account the speed at which this Bill has already worked its way through the legislature.

If it pleases the Committee, MARL can be reached at 947-0213 for additional comment and analysis. Further, MARL apologizes for not sending a representative to appear in person to speak to these issues, but this Bill has proceeded to the committee stage faster than we had anticipated it would.

MARL wishes to thank the Committee for considering our recommendations.

Regards,  
Shereese Qually and Michael Silicz

Co-chairs, Charter Rights and Legislative Review Committee  
The Manitoba Association for Rights and Liberties

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Re: Bill 5

I understand that Bill 5 will be going to committee on Monday night. On behalf of our Board of Directors at Heritage Winnipeg we support Bill 5 - The City of Winnipeg Charter Amendment Act (Historic Property Designations).

We support this amendment as it appears to offer protection to important historic buildings, lands and areas since this would give potentially a lot more power to the City and the Historic Buildings Committee. In addition the power to register the historic buildings, lands and areas with the Land Titles Office.

Regards,  
Cindy Tugwell, Executive Director  
Heritage Winnipeg Corp.

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

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