



MANITOBA REGULATORY ACCOUNTABILITY REPORT

Government of Manitoba
Regulatory Accountability Secretariat

SEPTEMBER 2018



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Available in alternate formats upon request.

Foreword by Minister of Finance



As Minister of Finance, I am pleased to release the first Manitoba Regulatory Accountability report, which presents the progress that has been made in advancing regulatory accountability across the Government of Manitoba. Manitoba is promoting regulatory accountability and red tape reduction to strengthen the provincial economy, improve social services, and lower costs for Manitobans as well as government.

Regulatory accountability is about putting in place checks and balances to ensure a transparent, efficient and effective regulatory environment. Red tape reduction is about removing regulatory requirements that are unfair, unclear, overly prescriptive, poorly designed, redundant, contradictory or antiquated, in order to eliminate unnecessary barriers and to promote economic development.

Our goal is to become the most improved province for regulatory accountability by 2020. As described in this report, we have made significant progress, including:

- ▶ passing *The Regulatory Accountability Act*, which has established a comprehensive regulatory accountability framework;
- ▶ conducting the first-ever inventory of the Manitoba government's regulatory footprint, which identified more than 948,000 regulatory requirements;
- ▶ becoming the first Canadian province to legislate two-for-one and one-for-one rules to reduce then cap the growth of regulatory requirements to avoid future red tape;
- ▶ establishing the annual *Red Tape Reduction and Government Efficiency Act* to enable departments and government agencies to remove red tape on an expedited basis; and
- ▶ establishing a new cabinet committee focused on promoting regulatory accountability and cutting red tape.

Manitobans will benefit from our regulatory accountability initiatives by having faster access to programs and services and finding it easier to carry out business. New opportunities are being created to ensure an easy-to-understand and transparent regulatory environment, encouraging economic growth and investment in the province.

Honourable Scott Fielding
Minister of Finance

Executive Summary



This report is a government-wide progress report on regulatory accountability in Manitoba. The report combines the first two fiscal years, 2016/17 and 2017/18, since establishing the April 1, 2016 Baseline Measurement of regulatory requirements. The report covers the regulatory accountability activities of departments and government agencies, as well as those that span government.

Manitoba's approach to regulatory accountability is comprehensive in terms of identifying and counting regulatory requirements in all regulatory instruments including Acts, regulations, policies and forms. Regulatory instrument and regulatory requirement measurement to establish a baseline was undertaken in 2016/17. Regulatory instruments were assembled and government-wide staff training on

regulatory accountability was initiated. To support efficient and effective workflow processes, planning and analysis was undertaken to design and implement a modern data management system.

Since the April 2016 baseline, measurements of regulatory requirements have shown a moderate reduction of 2.6%. The results also show that policies and forms account for a large majority (84%) of regulatory requirements, whereas Acts and regulations account for approximately 16% of the regulatory requirements across government.

With the new regulatory accountability legislation and operations in place, progress in reducing regulatory requirements and decreasing costs for Manitobans is expected to accelerate.

Introduction

ABOUT THIS REPORT

This report presents government-wide progress on the regulatory accountability activities of departments and government agencies as well as those that span government over the fiscal years 2016/17 and 2017/18.

Manitoba's approach to regulatory accountability is comprehensive in terms of identifying and counting regulatory requirements in all regulatory instruments including Acts, regulations, policies and forms. Regulatory instrument and regulatory requirement measurement to establish a baseline was undertaken in 2016/17. Regulatory instruments were assembled

and government-wide staff training on regulatory accountability was initiated.

Since the April 2016 baseline, measurements of regulatory requirements have shown a moderate reduction of 2.6%.

REGULATORY ACCOUNTABILITY: A KEY GOVERNMENT PRIORITY

Regulatory accountability establishes checks and balances to ensure a transparent, efficient and effective regulatory environment. The Manitoba government is committed to making Manitoba the most improved province for regulatory accountability by 2020 with the goal to reduce administrative burden on Manitobans associated with regulatory compliance.

PRINCIPLES OF REGULATORY ACCOUNTABILITY

In Manitoba, *The Regulatory Accountability Act* stipulates that the development of a regulatory requirement must follow the principles of regulatory accountability, which include: achieving balance, identifying the best option, assessing the impact, consulting and communicating with stakeholders and the public, evaluating effectiveness and efficiency, monitoring and minimizing the number of regulatory requirements, and streamlining design.



REGULATORY REQUIREMENT

is an action or piece of information that the provincial government requires of stakeholders in order to access government programs or services, conduct business, or participate in regulated activities. The regulatory requirement is the key performance indicator in reducing red tape as well as in promoting regulatory accountability.



ADMINISTRATIVE BURDEN

is the cost of complying with regulatory requirements, including, among other things, the collecting, processing, reporting and retaining of information, and the financial and economic costs of doing so.



RED TAPE

is the result of regulatory requirements that are unfair, unclear, overly prescriptive, poorly designed, redundant, contradictory or antiquated. Red Tape increases costs and can make compliance more difficult.

Regulatory Accountability is a system of checks and balances to ensure a transparent, efficient and effective regulatory environment.



PRINCIPLES OF REGULATORY ACCOUNTABILITY

Achieving balance – Regulatory accountability is promoted and enhanced when regulatory requirements meet desired public policy outcomes and administrative burdens are minimized without compromising human health and safety and essential economic, financial, environmental and social objectives.

Identifying the best option – Regulatory accountability is promoted and enhanced when a thorough exploration and analysis of a comprehensive range of options is undertaken in order to achieve the desired public policy outcomes, including exploration and analysis of options that do not implement regulatory requirements. Regulatory requirements are chosen only when they are determined to be the best response to a clearly identified need.

Assessing the impact – Regulatory accountability is promoted and enhanced when the impact of proposed regulatory requirements on stakeholders and the public is assessed to determine what response is necessary to achieve the desired public policy outcomes, and whether the administrative burden being placed on stakeholders is minimized.

Consulting and communicating with stakeholders and the public – Regulatory accountability is

promoted and enhanced when stakeholders and the public are consulted before a regulatory requirement is implemented and when changes to regulatory requirements are communicated to stakeholders and the public in a transparent, predictable manner.

Evaluating effectiveness and efficiency – Regulatory accountability is promoted and enhanced when a regulatory requirement is regularly reviewed to determine whether the desired public policy outcomes have been achieved and whether the benefits (including financial, economic, environmental and social benefits) of the regulatory requirements justify the administrative burden and other costs (including financial, economic, environmental and social costs).

Monitoring and minimizing the number of regulatory requirements – Regulatory accountability is promoted and enhanced when an accurate determination is made of the number of regulatory requirements and the growth in the number of regulatory requirements is minimized.

Streamlining design – Regulatory accountability is promoted and enhanced when duplication and inconsistencies between regulatory requirements and within and between regulatory instruments are eliminated.



HIGHLIGHTS OF THE NEW LEGISLATION

The Regulatory Accountability Act and Part 6.1 of *The Statutes and Regulations Act* provide for the following:

- ▶ Establishment of a Baseline Measurement of regulatory requirements
- ▶ Monitoring changes to regulatory requirements and regulatory instruments over time
- ▶ Estimation of administrative burden
- ▶ Implementation of the two-for-one and the one-for-one rules
- ▶ Management of administrative burden and regulatory requirement offsets for regulatory changes
- ▶ Regulatory impact analysis
- ▶ Mandatory public consultation
- ▶ Three-year reviews and evaluations

Manitoba's Regulatory Environment

It is estimated that Manitoba's small- and medium-sized businesses alone spend approximately \$1.2 billion annually to comply with federal, provincial and municipal regulations. The Canadian Federation of Independent Business (CFIB) estimates 30% of this cost, or \$360 million, is spent on red tape. A 2016 survey conducted by the Institute for Citizen-Centred Service found that more than 50% of entrepreneurs in Manitoba believe that the regulatory burden increased between 2014 and 2016.

While no similar measurements are available for non-profits and local governments, anecdotal evidence gleaned from the Red Tape Reduction Task Force indicates that the costs of regulation are similarly high in those sectors.

Since April 2016, Manitoba has made significant progress in promoting regulatory accountability.

Highlights include:

- ▶ passing *The Regulatory Accountability Act* and Part 6.1 of *The Statutes and Regulations Act*, which has established a comprehensive regulatory accountability framework;
- ▶ conducting the first-ever inventory of the Manitoba government's regulatory footprint, which identified more than 948,000 regulatory requirements;
- ▶ becoming the first Canadian province to legislate two-for-one and one-for-one rules to reduce and cap the growth of regulatory requirements to avoid future red tape;
- ▶ establishing the annual *Red Tape Reduction and Government Efficiency Act* to allow departments and government agencies to remove red tape on an expedited basis; and
- ▶ establishing a new cabinet committee focused on promoting regulatory accountability and cutting red tape.

In recognition of this progress, the CFIB awarded Manitoba an 'A' grade in its 2018 Canada-wide annual assessment.

“Manitoba is now the one to watch as it is making good on its goal of being the most improved province for regulatory accountability by 2020. We commend the province for its innovative leadership in reducing red tape for Manitoba's entrepreneurs. This success starts with political leadership. Without that, any red tape reduction stalls before it starts.”

CFIB, JANUARY 2018

Key Milestones

Over the 2016/17 and 2017/18 fiscal years, all regulatory instruments across departments and government agencies were assembled, a Baseline Measurement of regulatory instruments and regulatory requirements was established, and changes since the baseline date of April 1, 2016 have been tracked. Key milestones are discussed below.

RED TAPE REDUCTION TASK FORCE

Manitoba's Red Tape Reduction Task Force was launched in December 2016. The Task Force had 14 members made up of government MLAs and external stakeholders. The Task Force consulted with stakeholders in industry sectors, identified key red tape challenges in each industry sector, and forwarded recommendations to government for consideration.



Assembled inventory of regulatory instruments from across departments and government agencies

REGULATORY ACCOUNTABILITY COMMITTEE OF CABINET

The Regulatory Accountability Committee of Cabinet (RAC) was established by legislation to oversee and promote regulatory accountability and red tape reduction across government. RAC is mandated to oversee the modernization of regulatory development practices within government. This is accomplished by promoting alternatives to regulation and current best practices with departments and government agencies, encouraging simple, high quality, efficient regulatory requirements. The goal of these efforts is to reduce the administrative burden on external stakeholders associated with regulatory requirements and to reduce internal costs for government.

Led by the Regulatory Accountability Secretariat, a network of experts across departments and government agencies are acting to enhance knowledge and expertise on modern regulatory practices, creating a culture of regulatory accountability and red tape minimization that supports RAC's mandate to the benefit of all Manitobans.

PEOPLE, TOOLS AND TECHNOLOGIES

In 2017/18, foundational work was undertaken to establish a modern information management system and the workflows, checks and balances needed for regulatory requirements to be developed and tracked in an efficient and effective way.

In addition, Manitoba adopted a version of the Standard Regulatory Cost Model used by the Saskatchewan government to estimate administrative burden. To support the use of the new tools and techniques, staff from across departments and government agencies were trained.

ASSEMBLING AN INVENTORY OF REGULATORY INSTRUMENTS

In 2016/17, more than 12,000 regulatory instruments consisting of more than 87,000 pages were identified and assembled. The Baseline Measurement was established by identifying and counting regulatory requirements in those regulatory instruments.

Baseline Measurement and Tracking

Preparations for the Baseline Measurement were undertaken from October to December 2016, with a pilot project taking place from December 2016 to January 2017 in order to fine-tune the methodology that had been adapted from the Government of British Columbia's approach.

After completing the Baseline Measurement, departments and government agencies continued tracking changes to regulatory instruments and regulatory requirements in 2016/17 and 2017/18. In addition to tracking changes, departments and government agencies made adjustments to the Baseline Measurement to adjust for government agencies and regulatory instruments that were not identified in the initial inventory. After the adjustments were made, the consolidated Baseline Measurement established a total of 948,599 regulatory requirements.

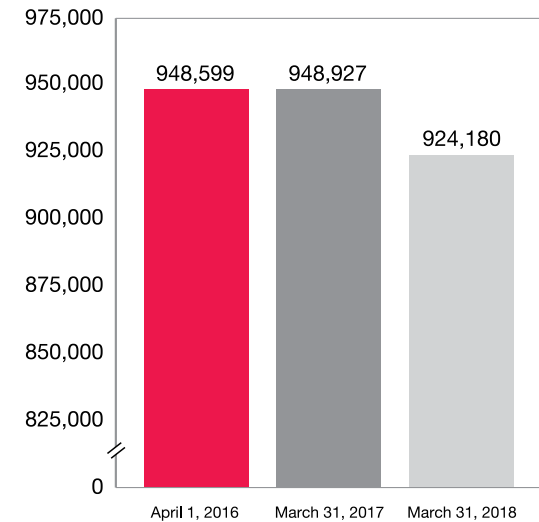
BASELINE MEASUREMENT AND TRACKING CHANGES

The chart to the right shows the total number of regulatory requirements across the Manitoba government at the date of the Baseline Measurement (948,599) as well as at the end of 2016/17 (948,927) and 2017/18 (924,180).

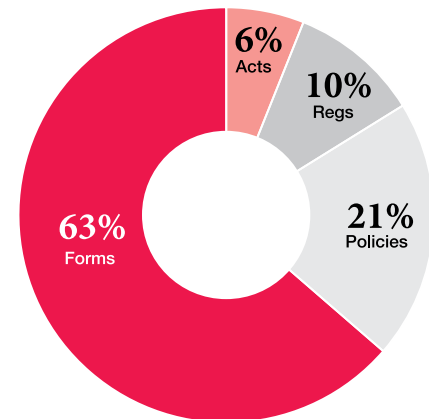
Since the April 2016 baseline, regulatory requirements were reduced across government by about 2.6%.

As of March 31, 2018, 84% of regulatory requirements are contained in policies and forms, whereas 16% are contained in the Acts and regulations.

Total number of regulatory requirements



Share of total regulatory requirements by type of regulatory instruments

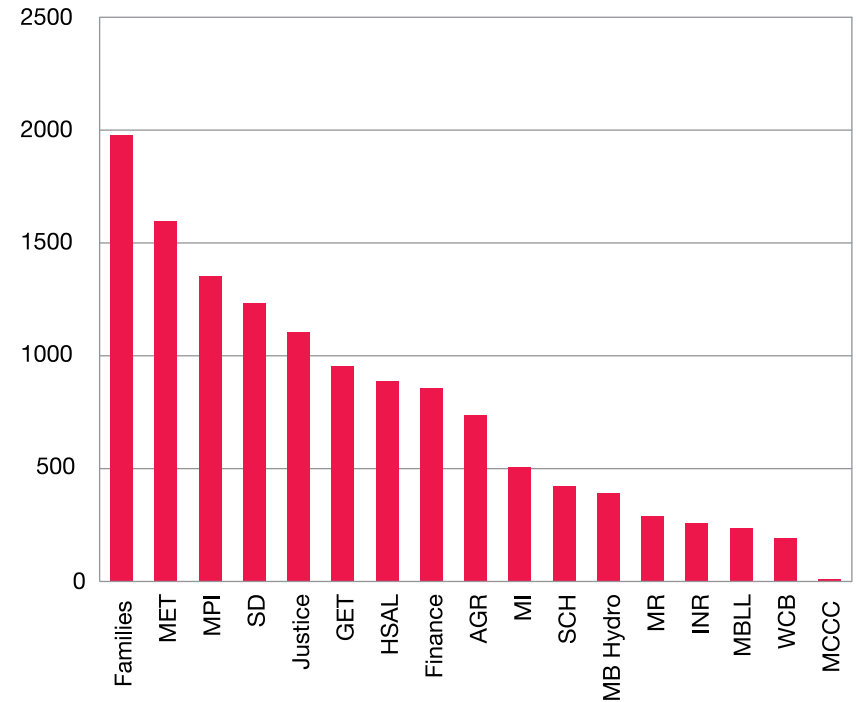
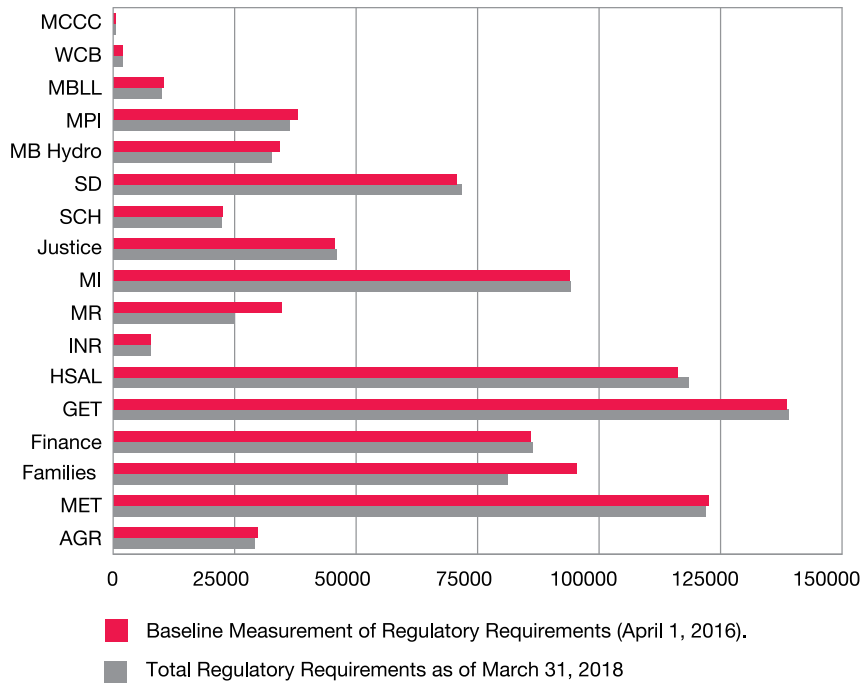


The number of regulatory requirements listed by departments and government agencies are shown in the chart below. As shown, numbers were stable in most departments and government agencies over the two fiscal years.

The departments of Families and Municipal Relations showed the largest reductions in regulatory requirements, with decreases of about 15% and 29%, respectively.

Number of Regulatory Requirements by Departments and Government Agencies*

Number of Regulatory Instruments by Departments and Government Agencies as of March 31, 2018*



*For a full description of the acronyms, see the glossary on page 13

Building Momentum

ANNUAL RED TAPE REDUCTION AND GOVERNMENT EFFICIENCY ACT

The government has established the annual *Red Tape Reduction and Government Efficiency Act* to allow departments and government agencies to easily make changes to regulatory instruments on an on-going basis in order to eliminate the red tape that is imposing burden on businesses, non-profits, municipalities, and private citizens.

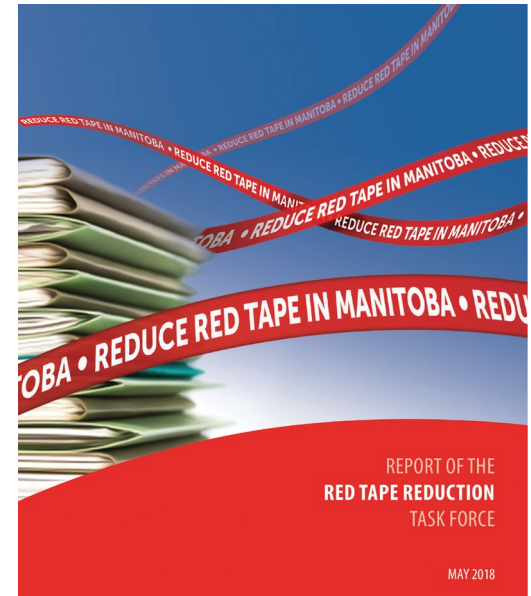
The Red Tape Reduction and Government Efficiency Act 2017, included amendments to 15 pieces of legislation and resulted in a reduction of 749 regulatory requirements.

The Red Tape Reduction and Government Efficiency Act 2018 proposes amending 44 pieces of legislation, which would result in a reduction of 874 regulatory requirements (399 that are currently in force and a further 475 that have not yet been proclaimed).

RED TAPE REDUCTION TASK FORCE REPORT

The Red Tape Reduction Task Force published its report in May 2018. The report indicates that Manitobans want clear and consistent rules and processes, and regulatory requirements that are based on science and economics with a clearly identified goal in mind. The report indicates that red tape reduction is in the interest of all Manitobans, and is consistent with the obligation of government to not impair the freedoms of citizens without sufficiently justified benefits to the public.

2017	
15 Pieces of legislation	749 Regulatory requirements reduced
2018	
44 Pieces of legislation	874 Regulatory requirements reduced



The report recommends 20 priorities for reducing red tape and provides additional areas of concern for government to review. Of the 20 priorities, many items have been addressed including:

- ▶ consolidating the heavy truck license classification system and eliminating the Highway Traffic Board as part of *The Traffic and Transportation Modernization Act*;
- ▶ clarifying the role of municipalities in the aggregate (sand, gravel, etc.) development approval process and increasing the requirement for provincial science-based technical reviews;
- ▶ updating the Manitoba Building Code to address the unique needs of farm buildings; and
- ▶ harmonizing the appeals processes contained in *The Planning Act* with *The Municipal Act*.

STAKEHOLDER RECOGNITION

In its annual assessment of Canadian provinces on their performance in red tape reduction, the Canadian Federation of Independent Business (CFIB) indicated that Manitoba's measure is among the most comprehensive approach in North America. In recognition of its progress, the CFIB awarded Manitoba an 'A' grade in its Canada-wide annual assessment.

FROM LEFT TO RIGHT: **Laura Jones (CFIB), Hon. Heather Stefanson, Jonathan Alward (CFIB), Hon. Cameron Friesen.**

REGULATORY RECONCILIATION AND COOPERATION

During the reporting period, the Manitoba government actively participated in the Regulatory Reconciliation and Cooperation Table (RCT), which is a senior-level federal-provincial-territorial body established by the Canadian Free Trade Agreement (CFTA) to oversee the regulatory reconciliation process and promote regulatory cooperation across Canada.

The RCT is an important ongoing collaborative mechanism with processes for addressing barriers to internal trade, and promoting cooperation when developing future regulatory measures to avoid regulatory divergences that impair trade, investment, or labour mobility across Canada.

Each government is responsible for identifying which specific regulatory measures it wishes to bring forward to the RCT on behalf of its stakeholders. Using the

results from an online survey to which Manitoba stakeholders responded, and an internal consultation with departments and government agencies, Manitoba identified several measures for the RCT to consider for reconciliation. The Manitoba government is committed to improving trade and plans to continue to engage stakeholders, ensuring the RCT can make meaningful improvements.

NEW WEST PARTNERSHIP

Also during the reporting period, Manitoba became a member of the New West Partnership Agreement and committed to removing barriers and enhancing trade, investment and labour mobility, in order to reduce red tape for businesses and individuals. The partnership is an accord between the governments of British Columbia, Alberta, Saskatchewan and Manitoba, which aims to create Canada's largest, barrier-free, interprovincial market.



Achievements

Departments and government agencies made a number of achievements over this reporting period, including the following:



AGRICULTURE

- ▶ The Office of the Fire Commissioner and Manitoba Agriculture collaborated in developing amendments to the Manitoba Building Code that addressed and modified building code requirements to reflect the unique business and operational needs of farm buildings, which will ultimately result in substantive cost savings for producers while maintaining safety.



EDUCATION AND TRAINING

- ▶ Manitoba Education and Training conducted a value-stream mapping exercise to maximize the efficiency of the program approval process for Private Vocational Institutions. This led to the elimination of a review committee, a decrease in processing time from 6-12 months to 2 months, and a reduction of 199 regulatory requirements. Additionally, all forms are being converted into e-forms to provide easier access for applicants.



FAMILIES

- ▶ A major review of reporting requirements for funded agencies in the Family Violence Prevention Program was conducted. This review resulted in fewer documents and reduced the frequency with which agencies were required to report from monthly to quarterly. This resulted in reducing a total of 9,292 regulatory requirements for agencies with important program information still being reported.
- ▶ Based on a review within the Child and Family Services program area, outdated forms that were no longer in use were repealed, ensuring clarity and consistency for agencies and clients.



FINANCE

- ▶ The Seniors' School Tax Rebate was streamlined by eliminating the application and approval process and moving program administration to the personal income tax return. The twelve staff positions required to administer the program were redeployed to other areas of the department.

- ▶ Improvements to the Primary Caregiver Tax Credit included the elimination of the application and approval process and simplified the credit to a flat claim amount of \$1,400.
- ▶ The Indigenous Business Registration form was reduced from 10 pages to 2 pages by removing information requirements that were not being used.



GROWTH, ENTERPRISE AND TRADE

- ▶ Amendments to *The Labour Relations Act* were made to reduce red tape by transferring authority for appointing conciliation officers and grievance mediators from the Minister to the Director.
- ▶ Amendments to *The Employment Standards Code* were introduced that will eliminate the need for employers to obtain permits to employ young workers or to enter into alternative standard hours of work agreements with employees.
- ▶ Amendments to *The Worker Recruitment and Protection Act* were introduced that will eliminate the need for temporary help agencies and employment agency businesses to be licensed.



► Amendments to *The Buildings and Mobile Homes Act* and *The Fires Prevention and Emergency Response Act* were introduced that

will allow independent contractors to perform building and fire safety inspections on behalf of municipalities (currently they must directly employ their inspectors).



HEALTH, SENIORS AND ACTIVE LIVING

► The Emergency Medical Services Protocols and Procedures manual was

modernized, including converting the text-heavy document to an enhanced, easy to use, visual tool. This resulted in a reduction of 1,755 regulatory requirements, and supports the provision of effective, quality patient care.



MUNICIPAL RELATIONS

► *The Local Vehicles for Hire Act* came into force on February 28, 2018. The Act dissolves the Manitoba

Taxicab Board, transfers regulatory responsibility for Winnipeg's vehicle-for-hire industry to the City of Winnipeg, and provides all Manitoba

municipalities with explicit bylaw-making authorities to regulate their own local vehicle-for-hire industries. *The Local Vehicles for Hire Act* includes a provision repealing *The Taxicab Act* and all of its associated regulations. This has enabled the elimination of 44 regulatory instruments and 9,791 regulatory requirements.

- Manitoba Municipal Relations completed the second phase of administrative streamlining of Community Development grants under the single-window service provision initiative, which reduced grant-related regulatory requirements by 134 in 2017/18.



INFRASTRUCTURE

► In March 2018, the government announced *The Traffic and Transportation Modernization Act* (TTMA) that will

transform regulatory processes and the management of Manitoba roadways. The TTMA facilitates the streamlining and modernization of numerous Acts and associated regulatory instruments including a reduction in the number of Boards. The TTMA represents a significant collaboration with stakeholders to review, rationalize and simplify regulatory requirements and reduce red tape.



JUSTICE

► A modern and efficient electronic search and property registry system, which includes a modern account

management system and smart fillable electronic forms, was developed and is being implemented by the Property Registry service provider. The system reduces time and costs for clients associated with submitting documents. Electronic registration was also launched in December 2017, resulting in convenient access for submitting documents in the evening or on weekends. Forms and guides were developed in consultation with a broad stakeholder group of client representatives resulting in plain language and user-friendly documents.

- A review of registration and application forms utilized by the Vital Statistics Agency was undertaken resulting in more user friendly forms for Manitobans. In some instances, supplementary information published in companion guidebooks was incorporated directly into revised forms, eliminating the need for separate handouts, increasing the submission of correctly and fully completed forms, and resulting in faster processing times.



▶ A review of the legislation and regulations administered by Manitoba Justice was conducted, resulting in amendments to eliminate redundancies, dual regulation and unnecessary regulatory requirements. *The Consumer Protection Act* was amended as part of *The Red Tape Reduction and Government Efficiency Act 2017* to eliminate a costly and time-consuming process for industry and stakeholders who had to allocate their limited resources to participate in a mandatory three year review process.



SUSTAINABLE DEVELOPMENT

▶ The Drinking Water Quality Standards Regulation and Drinking Water Safety Regulation were updated to ensure Manitoba’s regulatory framework continued to reflect national guidelines and industry best practice, and achieve public health protection goals with efficient use of private and public resources. This included such things as:

- Manitoba’s Drinking Water Quality Standards were updated to bring them in line with national guidelines at minimal cost to water system owners.
 - The process for assessments of water system infrastructure and water sources was streamlined and significantly reduced costs to system owners while ensuring assessments continue to function as an efficient and effective regulatory tool.
- ▶ Efforts focusing on streamlining the administration and reporting requirements for conservation districts resulted in a new reporting process and templates for an approximate overall 75% reduction in reporting requirements, also reducing the administrative workloads of government staff.



CROWN CORPORATIONS

▶ Manitoba Hydro made improvements to the Residential Self-Wire Permit Application by streamlining the process for residential customers to obtain an electrical permit. Regulatory requirements for this application were reduced, in turn decreasing the amount of

- time used for customers to complete the application and assisting with streamlined processing for Manitoba Hydro.
- ▶ Manitoba Public Insurance is implementing a more streamlined Broker Appointment application process by eliminating requirements for providing redundant business information. This saves brokers’ time in the application process and also reduces the volume of business information that has to be re-entered into internal systems.
 - ▶ Several forms used in the Manitoba Public Insurance Special Risk Extension program area were eliminated or shortened, resulting in a reduction of 242 regulatory requirements.
 - ▶ Manitoba Liquor and Lotteries reduced its regulatory requirements by 380 in the Gambling Research Program. It also amalgamated all applications to programs providing direct support to communities, local charities and non-profit organizations into one application to ease the process for applying for funding. This amalgamation resulted in reducing 184 regulatory requirements.

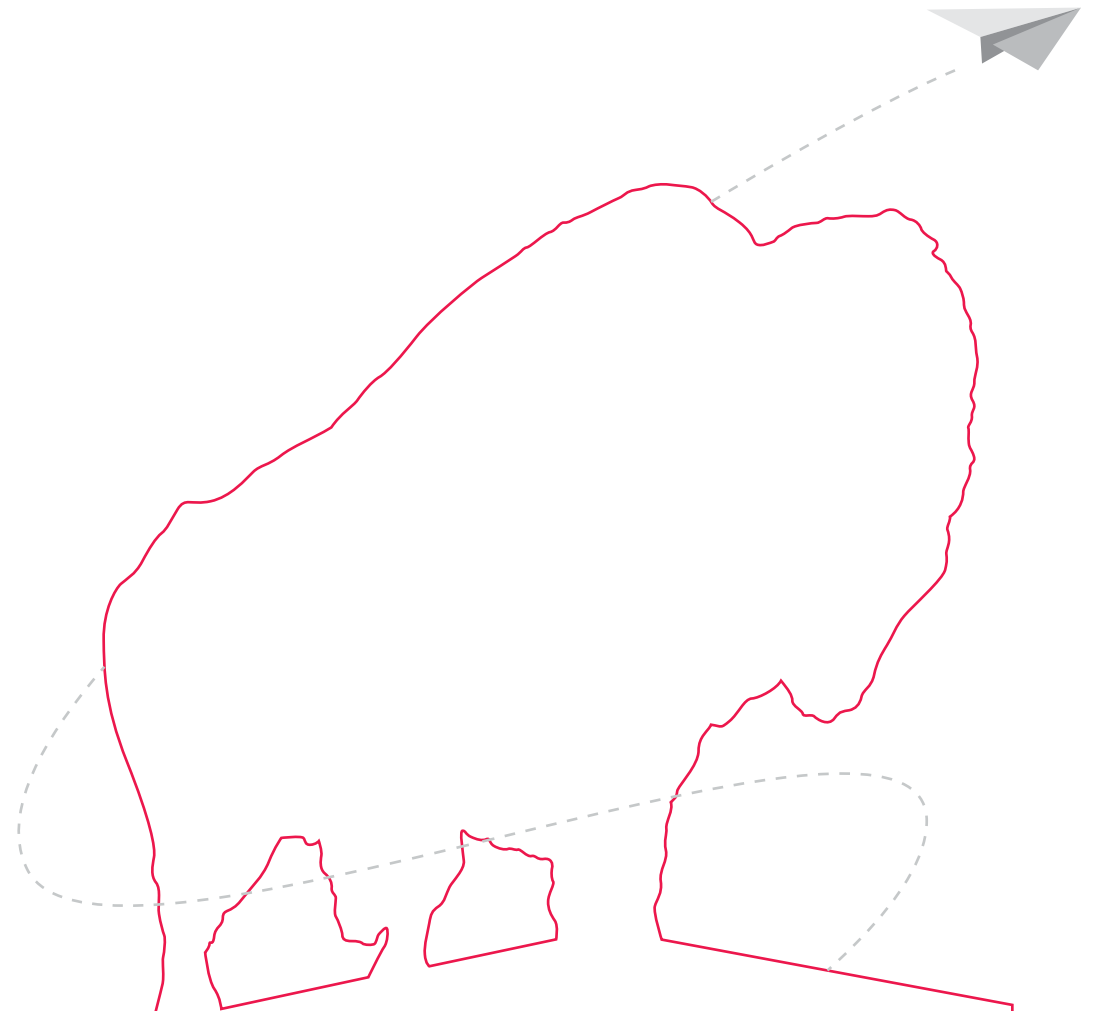
Next Steps

Moving forward, changes to regulatory instruments and associated regulatory requirements will continue to be monitored and tracked for 2018/19 and future years.

It is anticipated that the outstanding provisions of *The Regulatory Accountability Act* and Part 6.1 of *The Statutes and Regulations Act*, including the two-for-one rule and mandatory public consultation for regulations, will be brought into force in 2018/19.

Manitoba will also remain active in regulatory cooperation efforts with other Canadian jurisdictions, under both the Regulatory Reconciliation and Cooperation Table, and the New West Partnership.

With the new legislation and operations in place, progress in reducing regulatory requirements and decreasing costs for Manitobans is expected to accelerate.



DEPARTMENT AND GOVERNMENT AGENCY ACRONYM LIST:

AGR = Agriculture

FAM = Families

FIN = Finance

GET = Growth, Enterprise and Trade

HSAL = Health, Seniors and Active Living

INR = Indigenous and Northern Relations

JUS = Justice

MB Hydro = Manitoba Hydro

MBLL = Manitoba Liquor and Lotteries

MCCC = Manitoba Centennial Centre Corporation

MET = Manitoba Education and Training

MI = Manitoba Infrastructure

MPI = Manitoba Public Insurance

MR = Municipal Relations

SCH = Sport, Culture and Heritage

SD = Sustainable Development

WCB = Workers Compensation Board

2018 Regulatory Accountability Report Definition

One-for-One Rule:

- After April 1, 2021, for every new regulatory requirement implemented during a fiscal year, an existing regulatory requirement of equivalent or greater administrative burden must be eliminated.

Two-for-One Rule:

- For every fiscal year until March 31, 2021, for every new regulatory requirement implemented during a fiscal year, two existing regulatory requirements of at least twice the administrative burden must be eliminated.

Appendices

APPENDIX 1: BASELINE MEASUREMENT AND TRACKING METHODOLOGY

Manitoba's approach for identifying and counting regulatory requirements and instruments was developed in 2016/17 based on consultations with the Government of British Columbia, a leader in red tape reduction in Canada. Manitoba built on BC's approach to create a **comprehensive measurement of regulatory requirements** in Acts, regulations, policies and forms, including approaches and tools for tracking changes after the Baseline Measurement.

The key performance indicator in regulatory accountability is the regulatory requirement.

Regulatory requirement is defined as an action or step that must be taken, or information that must be provided to access services, carry on business, or meet legal responsibilities under provincial legislation, regulation, policy, or forms. The frequency of the actions, steps or pieces of information required of stakeholders is also taken into account.

Regulatory instrument is defined as a statute, regulation, or a policy or form that is made or approved by the Manitoba government or a government agency. Any regulatory instrument and regulatory requirement imposed on stakeholders from outside of the control of the provincial government is deemed out-of-scope. Also, administrative requirements that are internal to the Manitoba government, such as processing and government employee information, are not included in the Baseline Measurement count as they are not imposed on external stakeholders.

Determination is made whether the regulatory requirements of an agency, board, commission or government reporting entity would be considered 'in-scope' or 'out-of-scope'. *The Regulatory Accountability Act* defines a **government agency** as "a board, commission, association or body, whether or not incorporated, all the members of which, or all the members of the board of management or board of directors of which, are appointed by an Act or by the Lieutenant Governor in Council, other than an education institution".

Based on this definition, regulatory requirements under the responsibilities of entities that fall within this definition were determined to be ‘in-scope’.

Establishing the number of regulatory requirements in a regulatory instrument is a necessary step to monitor and evaluate changes made over time. This measurement helps in identifying the administrative burden that individual Manitobans, businesses, nonprofits, and local governments experience in complying with the Manitoba government’s regulatory requirements.

To establish the Baseline Measurement of regulatory requirements, the Regulatory Accountability Secretariat trained a total of 330 staff from departments and government agencies between February and June 2017. The total number of staff trained has now surpassed 400.

In November and December 2016, all departments and government agencies developed a comprehensive inventory of regulatory instruments, including Acts, regulations, policies, and forms in force as of April 1, 2016. After receiving the necessary training and technical support, department and government agency staff identified and counted a total of 906,824 regulatory requirements¹ contained in more than 12,000 regulatory instruments.

In order to count regulatory requirements, a thorough understanding of the wording used in the requirement is needed, including an appreciation for both the intent of the requirement, and the effect it has on stakeholders. All departments and government agencies were required to review each provision included in regulatory instruments, line-by-line and word-by-word, to identify regulatory requirements. This detailed review also assisted departments and government agencies in identifying regulatory requirements that could be streamlined or eliminated.

Departments and government agencies continued to track changes to regulatory requirements throughout 2016/17 and 2017/18 utilizing a variety of tools developed and supported by the Regulatory Accountability Secretariat.

“ I think you may be the most improved ever on CFIB’s report card. I don’t think we’ve ever seen a jurisdiction go from worst to first, as quickly as you have. ”

LAURA JONES,
Executive Vice-President, CFIB

¹ In 2017/18, departments and government agencies made adjustments to the Baseline Measurement to adjust for government agencies and regulatory instruments that were not identified in the initial inventory. After the adjustments were made, the consolidated Baseline Measurement established a total of 948,599 regulatory requirements.

APPENDIX 2: STATISTICAL RESULTS BY DEPARTMENT AND GOVERNMENT AGENCY

Table A1: Comparison of March 31, 2017 and Baseline Measurement of Regulatory Requirements (RRs)

Departments and Government Agencies	Baseline Measurement* (April 1, 2016)	Number of RRs as of March 31, 2017	Change (number)	Change (%)
Agriculture	29,679	29,373	-306	-1.0%
Education and Training	122,461	122,103	-358	-0.3%
Families	95,344	96,102	758	0.8%
Finance	85,844	85,686	-158	-0.2%
Growth, Enterprise and Trade	138,608	138,826	218	0.2%
Health, Seniors and Active Living	116,188	117,623	1,435	1.2%
Indigenous and Northern Relations	7,700	7,700	0	0.0%
Municipal Relations	34,625	34,628	3	0.0%
Infrastructure	93,975	94,027	52	0.1%
Justice	45,613	45,636	23	0.1%
Sport, Culture and Heritage	22,536	22,441	-95	-0.4%
Sustainable Development	70,747	70,174	-573	-0.8%
Manitoba Hydro	34,302	33,346	-956	-2.8%
Manitoba Public Insurance	37,995	38,273	278	0.7%
Manitoba Liquor and Lotteries	10,440	10,447	7	0.1%
Workers Compensation Board	1,953	1,953	0	0.0%
Manitoba Centennial Centre Corporation	589	589	0	0.0%
RR Total, Change and % Change	948,599	948,927	328	0.0%

* Includes Government Agencies and regulatory instruments that were not identified in the initial inventory.

Table A2: Comparison of March 31, 2018 and Baseline Measurement of Regulatory Requirements (RRs)

Departments and Government Agencies	Baseline Measurement (April 1, 2016)	Number of RRs as of March 31, 2018	Change (number)	Change (%)
Agriculture	29,679	29,099	-580	-2.0%
Education and Training	122,461	121,942	-519	-0.4%
Families	95,344	81,171	-14,173	-14.9%
Finance	85,844	86,310	466	0.54%
Growth, Enterprise and Trade	138,608	138,979	371	0.3%
Health, Seniors and Active Living	116,188	118,490	2,302	2.0%
Indigenous and Northern Relations	7,700	7,668	-32	-0.4%
Municipal Relations	34,625	24,738	-9,887	-28.6%
Infrastructure	93,975	94,118	143	0.2%
Justice	45,613	45,897	284	0.6%
Sport, Culture and Heritage	22,536	22,428	-108	-0.5%
Sustainable Development	70,747	71,882	1,135	1.6%
Manitoba Hydro	34,302	32,586	-1,716	-5.0%
Manitoba Public Insurance	37,995	36,331	-1,664	-4.4%
Manitoba Liquor and Lotteries	10,440	10,060	-380	-3.6%
Workers Compensation Board	1,953	1,892	-61	-3.1%
Manitoba Centennial Centre Corporation	589	589	0	0.0%
RR Total, Change and % Change	948,599	924,180	-24,419	-2.6%

* Includes Government Agencies and regulatory instruments that were not identified in the initial inventory.

Table A3: Comparison of March 31, 2017 and March 31, 2018 Measurement of Regulatory Requirements (RRs)

Departments and Government Agencies	Number of RRs as of March 31, 2017	Number of RRs as of March 31, 2018	Change (number)	Change (%)
Agriculture	29,373	29,099	-274	-0.9%
Education and Training	122,103	121,942	-161	-0.1%
Families	96,102	81,171	-14,931	-15.7%
Finance	85,686	86,310	624	0.7%
Growth, Enterprise and Trade	138,826	138,979	153	0.1%
Health, Seniors and Active Living	117,623	118,490	867	0.7%
Indigenous and Northern Relations	7,700	7,668	-32	-0.4%
Municipal Relations	34,628	24,738	-9,890	-28.6%
Infrastructure	94,027	94,118	91	0.1%
Justice	45,636	45,897	261	0.6%
Sport, Culture and Heritage	22,441	22,428	-13	-0.1%
Sustainable Development	70,174	71,882	1,708	2.4%
Manitoba Hydro	33,346	32,586	-760	-2.2%
Manitoba Public Insurance	38,273	36,331	-1,942	-5.1%
Manitoba Liquor and Lotteries	10,447	10,060	-387	-3.7%
Workers Compensation Board	1,953	1,892	-61	-3.1%
Manitoba Centennial Centre Corporation	589	589	0	0.0%
RR Total, Change and % Change	948,927	924,180	-24,747	-2.6%

APPENDIX 3: REGULATORY ACCOUNTABILITY ARCHITECTURE

