

First Session – Forty-Third Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Social and Economic Development

Chairperson
Mr. Diljeet Brar
Constituency of Burrows

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Third Legislature

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

Monday, May 13, 2024

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Diljeet Brar (Burrows)

VICE-CHAIRPERSON – MLA Jelynn Dela Cruz (Radisson)

ATTENDANCE – 6 QUORUM – 4

*Members of the committee present:
 Mr. Brar, MLA Dela Cruz, Mr. Jackson,
 MLAs Loiselle, Moroz, Mr. Perchotte*

APPEARING:

*Hon. Renée Cable, Minister of Advanced Education and Training
 Hon. Malaya Marcelino, Minister responsible for the Workers Compensation Board
 Jodie Byram, MLA for Agassiz
 Cindy Lamoureux, MLA for Tyndall Park
 Hon. Nello Altomare, Minister of Education and Early Childhood Learning*

PUBLIC PRESENTERS:

*Bill 5 – The Adult Literacy Act
 Jim Silver, Canadian Centre for Policy Alternatives–Manitoba
 Bill 10 – The Advanced Education Administration Amendment Act
 Allison McCulloch, Manitoba Organization of Faculty Associations
 David Grant, private citizen
 Michael Shaw, private citizen
 Erik Thomson, private citizen
 Orvie Dingwall, University of Manitoba Faculty Association
 Robert Chernomas, private citizen
 Peter Ives, University of Winnipeg Faculty Association
 Katrin Nielsdottir, private citizen
 Mark Gabbert, private citizen
 Justin Lewis, private citizen
 Bill 17 – The Workplace Safety and Health Amendment Act
 Kevin Rebeck, Manitoba Federation of Labour
 David Grant, private citizen
 Sandra Oakley, Manitoba Federation of Union Retirees*

Bill 202 – The Community Foundation Day Act (Commemoration of Days, Weeks and Months Act Amended)

Nathalie Kleinschmit, Francofonds

WRITTEN SUBMISSIONS:

*Bill 10 – The Advanced Education Administration Amendment Act
 Trust Beta, private citizen
 Mohamad Hasan Kadhim, private citizen
 Alia Lagace, private citizen
 Christine Kelly, private citizen
 RJ Leland, private citizen
 Julie Guard, private citizen
 Chris Tillman, private citizen
 Robert Shaver, private citizen
 Ariane Hanemaayer, Brandon University Faculty Association
 Bill 202 – The Community Foundation Day Act (Commemoration of Days, Weeks and Months Act Amended)
 Donna Morken, Rivers and Area Community Foundation
 Reg Black, Brokenhead River Community Foundation*

MATTERS UNDER CONSIDERATION:

*Bill 5 – The Adult Literacy Act
 Bill 10 – The Advanced Education Administration Amendment Act
 Bill 17 – The Workplace Safety and Health Amendment Act
 Bill 18 – The Community Child Care Standards Amendment Act
 Bill 202 – The Community Foundation Day Act (Commemoration of Days, Weeks and Months Act Amended)*

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Clerk Assistant (Ms. Katerina Tefft): Good evening, everyone. Will the Standing Committee on Social and Economic Development please come to order.

Before the committee can proceed with the business before it, it must elect a Chairperson.

Are there any nominations?

MLA Mike Moroz (River Heights): I'd like to nominate MLA Brar.

Clerk Assistant: Mr. Brar has been nominated.

Are there any other nominations?

Hearing no other nominations, Mr. Brar, will you please take the Chair.

The Chairperson: Our next item of business is the election of a Vice-Chairperson.

Are there any nominations?

MLA Moroz: I'd like to nominate MLA Dela Cruz.

The Chairperson: MLA Dela Cruz has been nominated.

Are there any other nominations?

Hearing no other nominations, MLA Dela Cruz is elected Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 5, The Adult Literacy Act; Bill 10, The Advanced Education Administration Amendment Act; Bill 17, The Workplace Safety and Health Amendment Act; Bill 18, The Community Child Care Standards Amendment Act; Bill 202, The Community Foundation Day Act (Commemoration of Days, Weeks and Months Act Amended).

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

Written submissions from the following persons have been received and distributed to committee members: Trust Beta, private citizen, on Bill 10; Mohamad Hasan Kadhim, private citizen, on Bill 10; Alia Lagace, private citizen, on Bill 10; Christine Kelly, private citizen, on Bill 10; RJ Leland, private citizen, on Bill 10; Julie Guard, private citizen, on Bill 10; Chris Tillman, private citizen, on Bill 10; Robert Shaver, private citizen, on Bill 10; Ariane Hanemaayer, Brandon University Faculty Association, on Bill 10; Donna Morken, Rivers and Area Community Foundation,

on Bill 202; Reg Black, Brokenhead River Community Foundation, on Bill 202.

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

Public presentation guidelines. Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in a committee.

In accordance with our rules, a time limit of 10 minutes has been allotted for presentations with another five minutes allowed for questions from committee members. Questions shall not exceed 30 seconds in length, with no time limit for answers. Questions may be addressed to presenters in the following rotation: first, the minister sponsoring the bill; second, a member of the official opposition; and third, an independent member.

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

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

Order of presentations: On the topic of determining the order of public presentations, we have received a request from Jim Silver, who has registered to present first to Bill 5, that he be allowed to present first this evening as he has a prior engagement soon.

Is there agreement of the committee that he be allowed to present first? *[Agreed]*

I will also note that we do have out-of-town presenters in attendance marked with an asterisk on the list.

With these considerations in mind then, in what order does the committee wish to hear the presentations following Jim Silver's presentation? Are there any suggestions from the committee?

MLA Moroz: May I suggest out-of-town presenters go first.

The Chairperson: It has been suggested out-of-town presenters go first.

Is that agreed? [*Agreed*]

Thank you for your patience. We will now proceed with public presentations.

Bill 5—The Adult Literacy Act

The Chairperson: I will now call Jim Silver for the presentation. [*interjection*] Sorry, Mr. Silver, I have to recognize you first.

Jim Silver (Canadian Centre for Policy Alternatives—Manitoba): I think when, in Manitoba, we think about education, we think about K to 12 and post-secondary, and we do not think about adult education. Adult education has, for decades, been the poor cousin of the education system.

I think this is a mistake. There are many, many people who do not complete high school on time for a wide variety of reasons. That is the case disproportionately amongst low-income people. It's low-income people who are most likely not to complete high school on time.

It is also the case, of course, for Indigenous people who, the last data that I've seen, graduate high school on time at a rate about 30 percentage points lower than average.

So, given that, I'm very delighted to see that we are reintroducing The Adult Literacy Act—very, very much needed.

I'm also happy to see that it includes an adult literacy strategy. I don't think there has been a strategy before, and there really should be if we're taking adult education, adult literacy, seriously.

The last data that I've seen, 2013-14, there were 192,600 adults—working-age adults—in Manitoba whose literacy levels were so low that they couldn't fully function in society. So this is a massive lost opportunity. These are people who are not contributing to the well-being of the province in the way that would be possible if we had a fully funded adult basic education system.

So very, very happy that we have this literacy act coming back.

* (18:10)

A couple of important things that I'd like to say about the literacy strategy. One is that it works very, very well when an adult literacy program is physically very, very close to an adult learning centre. So it's difficult for adults often who complete the literacy

program to move to an adult learning centre if the adult learning centre is some distance away.

So this is the hub model that is included in the two papers that were circulated on Wednesday, which hopefully everybody has got. The hub model brings together an adult literacy program, an adult learning centre offering the mature high school diploma and a child-care centre. So whenever possible, if we were to do that we would magnify the proportion of people who are successfully completing their mature high school.

A second thing is that we should stop treating adult literacy programs in the old-fashioned way of volunteers in the church basement. And that's the way I think adult literacy has been thought of in the past, and in fact, 40 years ago when I came back to the province I was involved in an adult literacy program as a tutor and it was literally in a church basement and I was a volunteer. And it's just way more important than that. We need to take it out of the church basement and treat it as a fundamentally important part of education in this province.

Salaries are another important issue for adult literacy programs. There are some people who are paid far, far less than what similarly qualified people in the K-to-12 system are being paid. And in one of the papers that was circulated last Wednesday I quote a rural director of an adult literacy program who said: Most literacy instructors earn minimum wage or what an education assistant would earn in the public school system. So, again, we just simply don't take adult literacy seriously, so much so that we don't adequately pay instructors.

We had a decline in the number of adult literacy programs in the province between 2009-10 and 2019-20 of 40 per cent. The number of adults enrolled in adult literacy programs declined by 40 per cent.

About a decade ago, a senior economist at the Toronto-Dominion Bank, so, one of Canada's chartered banks, said this, and I'm quoting: Hundreds of billions of dollars in lost opportunity in Canada each year because of high rates of illiteracy. So, not affording the opportunity to people who have not completed high school, not affording them the opportunity to improve their literacy, is costing us billions of dollars.

So for every reason, I think it's important that we have this Adult Literacy Act, with the attached strategy—I'm delighted about that—and thank you very much for hearing me.

The Chairperson: Thank you, Mr. Silver, for your presentation.

Do the members of the committee have questions for Mr. Silver?

Hon. Renée Cable (Minister of Advanced Education and Training): Thank you so much for coming to present and for your tireless work to advocate for adult education. It's—we are looking forward to really digging in and making sure that we implement a number of the recommendations that you have met and also work towards funding the system properly. I know that that is a concern that we both have.

And I just want to really commend you for the work. I know that speaking up for folks who sometimes—often—don't have a voice at tables like this in particular is so critically important and it will allow this topic to stay on the agenda and to push us to push harder on this.

I just really wanted to say thank you so much for all that you do.

The Chairperson: Mr. Silver, do you want to respond?

J. Silver: No. Just thank you.

Mr. Richard Perchotte (Selkirk): Mr. Silver, in taking a look at the adult literacy program, we know that literacy takes people out of poverty. It changes worlds.

What would you like to see in an adult literacy strategy moving forward?

J. Silver: Thank you.

First of all, I think in the act it says that community people will be consulted in the preparation of a strategy, and I think, in particular, the directors of adult literacy programs and adult learning centres ought to be part of that process. In a sense, it's not for me to say what the strategy ought to look like. The directors with whom I've been working for the last three or four years on a regular basis—they're really quite remarkable.

What we have in Manitoba right now by way of adult basic education really works well; it's just that we don't have enough of it. And there are some things that we could be doing that would make a good system work even better. The hub model, I think is one part of that. I think bringing the salaries of all teachers up to the same level as similarly qualified K-to-12 teachers would be an important part of that.

Another recommendation that we made is that some of the smaller adult literacy programs overburdened with administrative work: that could easily be solved by having school divisions do the administrative work on behalf of the adult literacy programs with which they're affiliated. And I think that's a fairly easy fix so that the people in the adult literacy program are directing their time and their energy to teaching, not to doing sort of administrative work for two staff members that a school division does for 400 staff members, going to easily add another two.

So I think those are some of the things. We believe that if more money were to be put into the system—we called for a doubling of the budget to adult learning and literacy. If that were to be the case and if there were to be a provincially funded advertising program, the literacy and adult learning centre programs would be overwhelmed with applicants.

I know that the directors with whom I've spoken about this have said that on occasion when they have advertised, they've quickly had to shut the advertising down because they were inundated with people who want to learn how to read and write and who want then to get their high school diploma and be able to enter the paid labour force.

So, I mean, these are poor people who want to work. They're not sitting around. So I think we ought to be supporting them by funding this program and carrying out the adult literacy strategy.

The Chairperson: Thank you, Mr. Silver.

MLA Cable: So, earlier this week, we saw you when Minister Fontaine introduced her amendment to the EIA bill, which, partnered with this framework, I think, will help—really support folks going forward.

What do you think that the changes that Minister Fontaine has made on the EIA act will do to impact what's already happening in adult education?

The Chairperson: Thank you, Minister Cable.

J. Silver: Yes. The changes being made to EIA that will enable people to do adult education and adult literacy and still continue to get their benefits are huge. This is a big, big step forward.

I think we will have lots of people currently on EIA who want to get off EIA, and they cannot because they don't have the educational qualifications for a whole host of reasons, like—

The Chairperson: Order. Order.

The time for questions has expired.

Is there leave to—for the presenter to continue?
[Agreed]

J. Silver: So very briefly in response, the—lots of people want to improve their education and are capable of doing so, and the amendments to the EIA act are going to make that possible, so I'm thrilled about that and about The Adult Literacy Act.

The Chairperson: Thank you, Mr. Silver.

That concludes the list of presenters I have before me for Bill 5.

Bill 10—The Advanced Education Administration Amendment Act

The Chairperson: So, moving on to Bill 10.

And the first presenter we have on the list is Ms. Lori Barber. Is Ms. Lori Barber here?

* (18:20)

So Ms. Barber would be dropped to the bottom of the list.

And we would call the next presenter, Ms. Allison McCloch [*phonetic*]*—[interjection]* Sorry.

So, by the agreement of the committee, we are doing the out-of-town presenters first. So I'm inviting Ms. Allison McCulloch. Thank you. Sorry.

Yes, please go ahead.

Allison McCulloch (Manitoba Organization of Faculty Associations): Thank you for the opportunity to be here today.

Let me start by acknowledging that sexual violence is a serious and pressing matter, one that is not always handled well by university administrations. According to a 2020 Statistics Canada report, 71 per cent of students witnessed or experienced unwanted sexualized behaviours in the previous year, yet very few reported to someone associated with the school, either because they do not know how or because they do not trust the school to handle it.

And there are good reasons for this mistrust. In 2016, it came to light that Brandon University was making student survivors sign so-called behavioural contracts when they did come forward. Students were compelled to sign away the ability to discuss the case with anyone but a counsellor or risk expulsion.

In 2020, again at Brandon University, which is where I teach, the Winnipeg Free Press reported that several administrators all failed to immediately connect the students who filed a complaint against the

head coach of the women's soccer team with the co-ordinator, who supports survivors of sexual violence.

But it's not just Brandon University. There remains an urgent need for effector—effective survivor-centred policy on sexualized violence on all of our campuses and a critical need for universities to deliver full, robust and transparent compliance with such policies. I share a recognition of the scale of the problem with the minister, but we diverge fundamentally on the solution outlined in Bill 10.

There are at least four issues with the bill in its current form. The process was non-consultative. It was tabled without meaningfully consulting students or faculty, and yet faculty are often the front line for helping students navigate services and policies on campus. It is also through our faculty associations that we hold university administration to account when policy compliance fails or falls short. So I would invite further dialogue with those who would be most affected by this bill.

It represents, secondly, a serious encroachment on the institutional autonomy of universities and the concentration of extraordinary power in the minister's office. This government has committed to repealing the unilateral powers of the minister to set differential tuition rates as per section 22 of the previous bill 33, also the advanced education amendment act. But rather than roll back those powers, Bill 10 would seek to expand them. And this goes against the promise to respect universities as self-governing institutions.

Thirdly, the bill, in its current form, is simply too vague. It's silent on the criteria that would enable the minister to cut an operating grant and also potentially would entail a reduction of that grant to zero, thereby risking the closure of an institution. The legislation makes no mention yet of what standards would have to be met to avoid this fate. And while I appreciate that this may well be intended as a policy of last resort, in its current iteration it does not provide sufficient clarity or assurance that this would be the case.

My final concern is that the bill risks incentivizing the very problems it seeks to address. I'm reminded of a quote from one of the students at Brandon University regarding the complaints against the soccer coach and the university's failure, under precisely the kind of sexualized violence policies that this bill supports, to apprise students of their rights, quote: They actively tried to sweep this under the rug. They hid resources from us and they didn't tell us our options. So that was quoted from the Winnipeg Free Press at the time.

Would the—this instance have resulted in a cut to the operating grant at Brandon University? Would Bill 10 have incentivized a different response, one that prioritized student survivors and their well-being? My worry is that administrations will—and I'm speaking generally here—prioritize operating grants and institutional reputation over individual student or faculty complaints.

So there's a risk that this will incentivize further silence and secrecy around sexual violence on campuses rather than move towards greater compliance that we so desperately need.

So cuts to the operating grant ultimately would harm faculty and students, including the very survivors who come forward when universities fail to comply with their own policies, and who now may be even less inclined to come forward, lest it result in the defunding of a university and their own educational experience.

So, to close, MOFA urges the government to engage in a consultative process with students, faculty, administration and experts on sexual violence before proceeding further, and urges the government to recommit to its election promise to protect, not intrude on, university autonomy.

Thank you.

The Chairperson: Thank you for your presentation.

Do the committee members have any questions for the presenter?

Hon. Renée Cable (Minister of Advanced Education and Training): I just wanted to thank you for coming and sharing your feedback.

You know, we've had some good conversations already, and I look forward to taking what I hear this evening and going back to ensure that this meets the needs of the institution, and continuing to work together to protect students. That's the primary concern.

The Chairperson: Ms. McCulloch, do you want to respond?

A. McCulloch: Thank you.

Mr. Richard Perchotte (Selkirk): I really want to thank you for coming forward. The safety of our students and our population against sexualized violence is something utmost in everybody's mind that's here today. We want to make sure people are protected.

And, looking at the bill, one of the first things I said is many of the things that you said, that—seem to

have been no consultation with this, and when I asked the office they said there was consultation, but the consultation, as I heard from other institutions, was receiving a letter saying this was happening. And very concerned on the overreach of some of the directives of the minister is to ensure the autonomy of the organizations that we hold so dearly, and yet this is something that takes away that autonomy.

And when I asked who had brought this forward and from what avail, there was really no answer other than to be proactive instead of reactive.

Do you see that this bill would enhance anything at all over—

The Chairperson: Order. The time for the question has expired.

Ms. McCulloch, want to respond?

A. McCulloch: I think, again, I think there is a really important need to have good sexual violence—like, making sure that this doesn't happen and making sure that the policy is clear and accessible for students and everyone else on campus.

So I think that where the bill needs to be clear is on how you assess when it does fall short, and I don't see that.

The Chairperson: Thank you.

Is there leave to—*[interjection]* Okay. MLA Dela Cruz, you need to ask for leave.

MLA Jelynn Dela Cruz (Radisson): I'd like request leave to offer a comment.

The Chairperson: Is there leave to offer a comment by MLA Dela Cruz? *[Agreed]*

MLA Dela Cruz: I just wanted to take a moment to thank you for the student-centric approach that you're taking to this, as well as to the remaining presenters as well, who are, I—you know, can already assume will be taking a very similar approach.

So, prior to being elected, I had the opportunity to serve as the president of the University of Manitoba Students' Union, and so it wasn't too long ago that I was, you know, standing in your shoes and presenting to a committee like this, and as a survivor myself, and having recently helped many other survivors navigate university system of reporting, I think it is so incredibly important—

The Chairperson: Order. Your time for the question has expired.

A. McCulloch: Thank you.

The Chairperson: Thank you.

MLA Cable: Actually, I'll waive my question. I'll give it to the opposition.

* (18:30)

Mr. Perchotte: Thank you, once again.

Just taking a look at the bill it seems to be no standardization of what the fines are, how to appeal them. It looks like a judge-jury-and-executioner type of paperwork that's done here.

What is your take on that?

A. McCulloch: I think the bill can be much clearer about what kinds of criteria, what kind of review mechanisms would be needed in order to recognize that a policy has fallen short and that the university has not done its due diligence under that policy that would invoke there.

So there is a real gap.

The Chairperson: Thank you.

MLA Cable: That—I don't know if I would use those terms exactly. And I just wanted to highlight that while there are some institutions that have great policies and are doing great work, the intent is to really fill the gaps. So this would cover all degree-granting institutions, a number of which are not represented in here tonight.

So, as we move forward and make these changes, I just—I hope that we can work together and ensure that it considers all of the folks, all of the students that need to be kept safe.

A. McCulloch: Yes, I agree and I look forward to working with the government to ensure that there is a accountability process in place.

The Chairperson: The time for questions has expired.

We would move to the next presenter, which on my list is Ms. Shirley Thompson. Do we have Ms. Thompson? Shirley Thompson?

If not, we would drop Ms. Thompson to the bottom of the list and we would move to—the next presenter's Dr. Ariane Hanemaayer, but they have submitted a written submission.

Bill 17—The Workplace Safety and Health Amendment Act

The Chairperson: So we would go to the next presenter, which is for Bill 17. And the next presenter

is Mr. Kevin Rebeck, who joins us virtually. Is Mr. Rebeck available?

So we have Mr. Rebeck. Mr. Rebeck, are you ready?

Kevin Rebeck (Manitoba Federation of Labour): I am.

The Chairperson: Mr. Rebeck, please go ahead.

K. Rebeck: The Manitoba Federation of Labour is composed of more than 30 affiliated unions representing more than 130,000 unionized workers from the public sector, private sector and building trades.

Workplace health and safety's a major concern and priority for all unions and the MFL has long been a leading voice for Manitoba workers in promoting safer and healthier workplaces. We fight for workplace health and safety because every worker has the right to go home—go to work and be safe, and every family has the right to expect that their loved one will return home safely at the end of each shift.

Laws and regulations that are based on input from labour, employers and technical experts are the foundation of our safety and health system, and are prevention efforts. That's why the MFL and its affiliated unions were dismayed by the previous government's decision in 2018 to eliminate the minister's Advisory Council on Workplace Safety and Health, which for decades had been providing valuable input and advice on safety and health laws. It's also why I'm pleased to be here today to support Bill 17, which would re-establish this body.

The need has never been greater for the advice and assistance the advisory council can provide. While we've made modest progress in reducing workplace injuries in many sectors, there are a number of areas that are of grave concern. This includes the extraordinarily high and ever-increasing number of injuries to workers in health care and the public sector more broadly.

We've also seen a disturbing rise in workplace violence. In fact, the number of reported injuries caused by workplace violence has tripled over the past decade. This is a strong indication that the existing laws and regulations for addressing this hazard are inadequate.

Workplace psychological injuries are another significant concern. There is increasing awareness of the toll that multiple workplace stressors take on workers, including often-debilitating physical and psychological conditions. This is yet another area where our legislative and regulatory framework need improvement.

Occupational disease continues to be a serious issue. Each year we see 10 or 12 worker fatalities from occupational diseases. The primary cause is asbestos, and while we know many of these fatalities result from exposure some years ago, we also know that many workers are still potentially exposed through work in asbestos abatement, remediation, construction.

We need stronger protections from this deadly hazard, protections that are based on input from experts and from those who work in these trades. We're also aware of the proliferation of hazardous chemicals in manufacturing and other workplaces, as well as the hazards associated with the expansion into the mining of heavy metals and other materials.

While these are a few examples of the many areas where our reconstituted advisory council can provide valuable advice, this bill also represents an important shift in government's attitude to stakeholders. We need a government that listens to stakeholders and experts, and acts based on that input. That is how we can best meet the challenges of today and tomorrow in workplace safety and health, and elsewhere.

Bill 17 is therefore not only—be a re-establishment of an important channel for input and advice on workplace safety and health, but also a strong signal that we have entered a new era of listening and collaboration.

Thank you.

The Chairperson: Thank you, Mr. Rebeck.

The floor is open for questions.

Hon. Malaya Marcelino (Minister responsible for the Workers Compensation Board): I just wanted to thank Mr. Rebeck for taking the time to present to the committee tonight on this bill. Thanks.

K. Rebeck: Thank you, Minister. We appreciate the re-establishment with this body.

The Chairperson: Further questions?

Ms. Jodie Byram (Agassiz): I, too, would also just like to thank Mr. Rebeck for taking the time out of his evening tonight to make his presentation.

I think we, you know, as Manitobans we can all recognize and acknowledge that workplace safety and health is paramount for all Manitobans, and we do all want to work towards making every workplace a healthy and safe environment, both physically and mentally.

So thank you.

K. Rebeck: Thank you. I appreciate that.

The Chairperson: Further questions?

No more questions; thank you.

**Bill 10—The Advanced Education
Administration Amendment Act**
(Continued)

The Chairperson: We would move to the next presenter for Bill 10, David Grant. Mr. Grant, please go ahead.

David Grant (Private Citizen): Bill 10 seems like a good idea. But I see it as a symptom of a problem that we expect our institutes of higher learning to do the right thing. This bill suggests that they aren't doing the right thing; they're consistently doing the wrong thing, and the embarrassment and kind words—quiet words—from legislators are not doing the job.

So that's the primary thing I had concern with, is that, think I spoke to Bill 8 last week, which is also a symptom of things not going well. And that's all I can offer on this.

But the—in response to one of the other persons who spoke on the topic, being concerned that the bill does not have all the details and numbers in it, I would remind the committee and that presenter that bills generally don't have numbers. They have words and principles and prohibitions and so on, but the numbers are supposed to come out in the regulations.

* (18:40)

And—but the other thing that came up in speaking by the earlier presenters on Bill 10, one of the other principles was that if you starve the institution of money in response to them doing the wrong thing as far as policy is concerned, that harms the institution. And this brings in the basic principle that when somebody is making decisions for an organization, whether you're the owner of a grocery store or the head of the university, when you make a bad policy decision should the organization pay for it?

And that's something that is a deep legal issue, but I would hope that this—if this bill is going to be effective, that if it turns out that there are one or two people in an institution that are behind a policy blunder, that they should suffer some consequence, not the bottom line of the school.

And it's just something to think about, and I know it may not be in your power to do that, but it would be—the bill would be much more effective if it turns out that it could deal with a miscreant boss at a school.

And that's just a principle, and otherwise, as I say, it's sort of a bad symptom when we have to have a bill like this, rather than just, come on, guys, smarten up. You know, that should be enough. And when the media says, come on, guys, that should do the job, and if they are that intransigent, or there's some other issue involved, it certainly hasn't come forward.

So, I just offer those comments, and thank you for your time.

The Chairperson: Thank you, Mr. Grant. The floor is now open for questions.

Hon. Renée Cable (Minister of Advanced Education and Training): Thank you, Mr. Grant. Thank you so much for taking time out of your night to come and for your thoughtful comments.

I just was wondering if you are aware of the bill in its entirety, not this amendment that I've brought in, but the entire act, because it does include a whole host of provisions that are necessary for the institution.

I'm wondering if you had any other thoughts about what we could do here.

D. Grant: I think I'm in agreement with that. I have no objections. It was just those sort of three ideas that didn't seem to be there and the fact that it exists at all. And—but thank you for doing that, for bringing it forward, and hopefully, it results in a better system.

Mr. Richard Perchotte (Selkirk): During the bill briefing and while we discussed this on the floor, the back and forth, we asked several times, is there any institutions that brought this forward? Was there anybody—any of the institutions identified who's not doing this? Was there any student bodies who have come forward requesting this, you know? And, again, was there anybody outside of that scope asking for this? The answer was no every single time.

So, again, I'm afraid of a little bit of overreach. We all have the understanding that we want to keep students safe. Would you agree that the school—

The Chairperson: The time for questions has expired.

D. Grant: Thank you very much for the comment. And that would—I was not aware of that. I probably should prepare by watching the record of the Legislature. But it did strike me that the—if the bill was needed and had been called for by student bodies across the province, then it was a very bad sign.

But, again, it may be like Bill 8 that seems like a good idea and goes ahead and we have new legislation, but the impetus or the need doesn't seem to be demonstrated. But thank you for pointing that out.

The Chairperson: Thank you, Mr. Grant.

Do we have further questions?

Mr. Perchotte: One of the things that gives me great concern about this bill is that although we may strive to reach; deadlines we know that we were faced recently with a pandemic that made deadlines almost impossible to get to.

Faced with those things, we might be in a situation again where we cannot achieve deadlines and that would result in less funding to organizations.

D. Grant: That can be a problem and especially because if there is some higher power actor or some other factor that prevented compliance, then, in general, legislation and operating policies have provisions for exemptions and appeals and so on, and any bill that brings in a new mechanism, a new government mechanism, that has no appeal and that has no what-ifs and just-in-case kind of clauses, then it's a flawed bill because we have to accommodate when things go badly.

Thank you.

The Chairperson: Thank you, Mr. Grant.

Are there any further questions?

Mr. Perchotte: Mr. Grant, I want to thank you from our team for coming forward this evening and putting words on the record in regards to this bill. I understand your time could be enjoyed elsewhere other than standing up here on the podium and I really appreciate that. Thank you.

D. Grant: Thank you, too. Thank you all.

The Chairperson: Any further questions?

Seeing none, we move to the next presenter on my list, which is Michael Shaw. And we have Michael Shaw. Mr. Shaw.

Michael Shaw (Private Citizen): Thank you all very much. Thank you for taking time to listen to us this evening.

My name's Michael Shaw. I'm from the University of Manitoba and I've been involved at the University of Manitoba for a number of years now, on the faculty for 31 years.

And I'm going to start off my comments tonight by saying that it is absolutely essential that all of our workplaces and learning places are free of sexual violence. That's—that is a cornerstone and I think we need to do more as a province to ensure that. And I understand the impetus behind a bill like this would be to move us in that direction. But this isn't the bill that's going to do this, and it isn't the bill that we need at this time.

As I mentioned, I've been at the University of Manitoba for a number of years. One of the first things I did at the University of Manitoba as a new faculty member in 1995 was go on strike when the government interfered with the process of tenure and tenure review at the University of Manitoba—my first incidence of government interference in the autonomy of universities.

In 2016, I had the opportunity to again picket back and forth at the university when the government of the day again interfered with free and fair collective bargaining and the governance of the university. And the result of that free and fair—that interference was the recent payment from the government of Manitoba to the University of Manitoba Faculty Association of over \$20 million for interference in our free and fair collective bargaining and university governance.

Again, in 2021, I had the opportunity to again picket—getting good at it now—when again, our university administration, because of actions of the government of the day, was not able to freely and fairly collective bargain with us.

The pattern of government interference in university autonomy is troubling in this province. So our organizations, the faculty associations across Manitoba, pressured all three political parties to make sure that they wouldn't interfere in the governance of universities.

And in front of me I just want to read the very first bullet on the minister's mandate letter: Respect universities as self-governing institutions, is the very first bullet point. And when we turn to the next page of the minister's mandate letter: Repeal Bill 33, The Advanced Education Administration Act to protect institutional autonomy.

This bill has noble goals, but there was no consultation. There was no process. And it allows unfettered interference in the funding of the institutions by the minister at the minister's discretion, from what we can tell.

Now, there needs—I am not speaking against a process that will allow us to ensure that our workplaces

are safe. But this isn't the bill that's going to achieve that. It is extremely problematic in terms of a one-size-fits-all for every single institution. A one-size-fits-all in terms of being able to take a dollar away from your funding or all \$400 million that goes to the University of Manitoba.

There is no due process in this bill. It is continual interference in the process of the universities and we hope—at the University of Manitoba and my colleagues at the University of Manitoba that will also be speaking tonight as well as other institutions—that we can work with the government to have in place policies and procedures that are transparent, that everyone understands what they are, and that ensure that our workplaces for faculty and staff and students are free from sexual violence.

But this is not the bill that is going to achieve that. This is a bill that needs to go back, needs to be worked through, needs to be ensuring that it protects institutional autonomy.

* (18:50)

The government has lots of tools at its disposal to put in place things at the University of Manitoba—I am speaking specifically of the Manitoba—this government gets to appoint more than half of the board of governors. This government gets to set our grant each and every year. There are lots of opportunities for oversight that are missing in this bill, even though we share the collective thought that what we need to be working through is a workplace and a learning place; whether it's K to 12, whether it's universities, whether it's colleges, whether it's factory floors, all of our places should be free from sexual violence. But this is not the bill and this is not the structure that will achieve that. This is further reaching in to the autonomy of the institutions, and we hope that we can work with the government to make the changes to the bill so that those things can be possible going forward.

Thanks very much.

The Chairperson: Thank you, Mr. Shaw.

The floor is now open for questions.

MLA Cable: Thank you, Mr. Shaw. I appreciate you coming down here, and I appreciate your comments, and, as I said before, that was certainly not the intention, and, you know, if, in the full reading of the act as it stands, this really is intended to enhance transparency. The act already says that we have—that the board must adopt a policy and all of these other things, and I can appreciate how a particular read of this would

come that way, and that's why I've committed to working with you and the folks at MOFA to help enhance this and bring it about in a better way.

Thank you for your time to come down. I certainly want to work with you folks.

M. Shaw: Those are encouraging words, and we do hope that we can work with the government to both achieve the goal of workplaces and learning places that are free from sexual violence but also respecting institutional autonomy.

Mr. Perchotte: Thank you, Mr. Shaw, for coming down.

And, again, when I look at the bill on first-hand, I understand, as a parent who had children in a secondary school, having the protection is paramount to us and as—all the institutions that I've met with, it's paramount with them. My concern was of the tremendous overreach and the stepping on of the autonomy of the institutions. Looking at this, it seems to be the start of something that we recognize that the schools are adamant about is—

The Chairperson: Order.

Mr. Shaw.

M. Shaw: Don't think I heard a question there, but it is important that the institutional autonomy, which hasn't been respected here in Manitoba—you know, I gave you those examples from '95 and 2016 and 2021, where our institutional autonomy was not protected. And as a result, you know, bad outcomes occurred. I think it's fundamental that as the minister's mandate letter states, that the public post-secondary institutions in this province do their best work when they have their institutional autonomy.

The Chairperson: Thank you, Mr. Shaw.

Any further questions?

MLA Cindy Lamoureux (Tyndall Park): Thank you, Mr. Shaw, for your presentation here this evening and just for the work you've done within education and advocating and picketing over the many years for education here in our province.

I'm curious if you feel that there are amendments that could be brought forward that would save the legislation or if it needs to be brought back to the drawing board altogether.

M. Shaw: My short answer would be the very first thing that one of our presenters talked about earlier today was that this goal needs broader consultation.

So rather than amendments on the fly that might fix this bill, I think broader consultation with faculty associations, with university governance structures, with the people on the floor, people on the shop floor of a university that are doing the work, our counsellors in student services, and these are the people that will give you your best advice on what needs to be put in place to make sure our workplaces are safe.

The Chairperson: Thank you, Mr. Shaw.

Any further questions? Before I recognize the next member, there's a gentle reminder that the time for a question is 30 seconds.

Mr. Perchotte: Mr. Shaw, is there any thought that this bill would enhance what's going on at the University of Manitoba or any of the other colleagues who've spoken up, too; would enhance the programs or the policies that they have?

M. Shaw: So I'll speak just from the University of Manitoba experience that we have in place, policies—they might not be the greatest—and we have experts that are telling us how we need to revise those sorts of policies, but what's in front of us right now is that if we were somehow not compliant, the only outcome is a reduction in the grant which, you know, one of the places that administrators like to cut is places like student services. So the tool that's in front of us right now, from the University of Manitoba's standpoint, is not a solution.

The Chairperson: Thank you, Mr. Shaw.

MLA Cable: Mr. Shaw, were you—I just wanted to know if you've been in contact with any of the private institutions or simply just—through your consultations with MOFA, if any of the private institutions had been part of this conversation.

The Chairperson: Thank you, Minister Cable.

The time for questions has expired. Is there leave for the presenter to respond to the question? *[Agreed]*

M. Shaw: So my colleagues and I at MOFA speak and act with and consult with the four publicly funded unionized universities in Manitoba, which is St. Boniface, Brandon, University of Winnipeg and University of Manitoba, and that's all I can speak to.

The Chairperson: Thank you, Mr. Shaw.

We would proceed with our next presenter, which is Mr. Erik Thomson.

Welcome, Mr. Thomson.

Please go ahead. You have 10 minutes.

Erik Thomson (Private Citizen): Thank you very much. I doubt I'll take the 10 minutes because I feel we'll be repeating ourselves.

I also fear—a communications expert once advised me that I should never raise the bicameral model of university governance in public because it's complicated politics and its values are sometimes difficult to convey.

But this is just an area where the bicameral system of university governance is important. While I appreciate the minister's concern for students and the real threat of sexual violence on university campuses and acknowledge like previous speakers that this has been a problem that universities haven't dealt with well, the bicameral system of university governance is framed that way to assure the appropriate necessary autonomy of universities for these institutions to fulfill their roles in a democratic society as centres of free inquiry, education and research.

I think this bill, even with admirable intent, worried us particularly because we're in a moment where university autonomy is threatened, not only in Canada but more broadly around the world.

And, of course, I think that many legislators who are interfering with university autonomy are also motivated by concerns for student safety, well-being. Sometimes that safety is, you know, safety from thoughts that inequality may trouble the American political system, but still motivated by honest concerns for student well-being. And I think it is dangerous in this context to grant a minister unilateral—lateral power to judge and back away from that system on unspecified grounds. And it provides, if nothing else, a precedent for interfering with that system.

As previous people have pointed out, it strides against your mandate letter, I think, and does not strengthen the self-governing nature of universities.

Now, I understand that this may be reacting to particular situations that need to be addressed, but I ask that we try to revise this bill in a way that is a little more transparent about perhaps what the problems are and reinforces, perhaps, good governance procedures in Manitoba's universities rather than seeking a quick way around them to kick some universities for their bad dealings.

So I hope that maybe in the future we can agree that the bicameral system of university governance is, in fact, a great word to use in public because it's one of the things that is a bolster to our freedom essentially

and a system that delivers us all the best way of reaching the public good through honest discussion.

The Chairperson: Thank you, Mr. Thomson, for your presentation.

Floor is now open for questions.

MLA Cable: Thank you so much for your comments, Mr. Thomson.

I fear to ask who recommended that that was not—*[interjection]*—it's appropriate here. *[interjection]*

The Chairperson: Sorry. Mr. Thomson, I have to recognize you.

E. Thomson: My pardons.

* (19:00)

MLA Cable: I want to thank you for your thoughtful comments and, again, for coming to share time and to talk about the shortcomings. As with your other colleagues that were here to present, the points are well taken, and I will say that it's clear that we need to be more clear with the progressive nature that the—that was intended in this. And I just want to reassure you that there was no intent—

The Chairperson: Sorry, the time for the question has expired. *[interjection]*

Mr. Thomson.

E. Thomson: —and I think—*[interjection]*—oh, sorry.

The Chairperson: Mr. Thomson.

E. Thomson: Sorry for—I jumped in. It's a bad professorial habit. But—

The Chairperson: Mr. Thomson, go ahead please.

E. Thomson: —with respect, the intent shouldn't justify the interference. The autonomy of universities is an independent goal that we should all cherish regardless of our ideology and what we're trying to achieve.

Mr. Perchotte: Thank you very much for presenting today, I really appreciate that. When we talked about this bill—and I don't want to belabour it—is there anything in the current legislation that this bill covers that is not already covered?

E. Thomson: Again, I don't know enough about the governing documents of private universities to know whether there's an appropriate way for—if there is a problem there, which I'm sort of gaining the feeling that there is—I don't know what laws there are. And so

I wouldn't want to respond off the cuff about something that is beyond my ken.

The Chairperson: Thank you, Mr. Thomson.

Again, a gentle reminder that the time for questions is 30 seconds.

MLA Lamoureux: Thank you, Mr. Thomson, for your presentation. And this is absolutely the spot to be having these conversations.

I was wondering if you could speak a little bit to any ideas you might have—and if you don't, that's okay—where we could be discussing improving terms of sexual violence within our post-secondary institutions without it being tied to grants.

E. Thomson: I think I'd want to consult more. I think within the system of the—of governance that's normal, there's actually ample scope for improvement.

One of the things that we can celebrate is the way that universities have in fact changed over time in response to different problems and, you know, social opportunities. So I think that this model is one that is flexible and offers the opportunity. Now, I don't know, because it seems that maybe we're speaking with a problem the details of which aren't known. So.

The Chairperson: Thank you, Mr. Thomson.

Mr. Perchotte: Thank you again, Mr. Thomson.

Is there any point where you think that the government should take away the autonomy of the public institutions for their own bequests?

E. Thomson: I find it difficult to imagine a situation in which taking away the autonomy of universities to govern themselves wouldn't cause more damage than the problems that they're trying to solve.

The Chairperson: Thank you, Mr. Thomson.

Any further questions? If not, thank you so much for your presentation.

We will move to the next presenter.

A reminder to everyone joining us virtually to please make sure your display name is your first and last name so that we can recognize you—for virtual presenters.

Our next presenter on the list is Ms. Orvie Dingwall. Thank you.

So for everybody here, if I do not pronounce a name properly, feel free to correct me.

Please go ahead with your presentation. You have 10 minutes.

Orvie Dingwall (University of Manitoba Faculty Association): Thank you so much.

So, I'm Orvie Dingwall, I use the pronouns she/her and I'm the president of the University of Manitoba Faculty Association. And I'm speaking on behalf of that association today, and our faculty association represents 1,330 professors, instructors and librarians at the University of Manitoba.

And like some of my colleagues before me have articulated, absolutely our places of work and learning and education should be free of violence of all kinds and, of course, and in particularly, free of sexual violence.

So I share the honourable intentions that this bill is trying to make and protect and particularly as a woman who attended post-secondary education myself 25 years ago, and it wasn't a place that was free of sexual violence. And, like the minister articulated when speaking for this legislation, we want to protect—improve those conditions for current students and certainly for our own children, my children included.

But the amendments that are proposed in Bill 10, again, like my colleagues, I don't believe that these are the way to achieve the improvements that are needed. We certainly have a lot of work to do in all of Manitoba's public and private post-secondary institutions.

At the University of Manitoba, I think we have already the structures that are in place to make those improvements. So we have a board of governors that is majority appointed by the government, and part of that board's role is to ensure that all policies, including the University of Manitoba's sexual violence policy, that it is followed. And there are mechanisms there that are in place and that if even just following it isn't enough, they can direct to have it amended and improved.

We also have the sexual violence centre on campus, which is still relatively new, but also offers tremendous opportunity for improvement. And, of course, there's the health and safety act that also enforces safe working and learning environments.

And so we heard earlier tonight that some institutions don't have that kind of oversight or maybe they don't already have that sexual violence policy that's so important for this discussion, and so, if we're looking to fill in the gaps at those institutions that don't have

those appropriate structures, I would think that those are more appropriate places to start instead of starting to introduce this kind of act that's going to interfere with the autonomy of the institutions.

And my job as president is to break down words like autonomy and to talk about really what we're talking about when we say that the university—universities, in particular, but post-secondary institutions have to be independent from the government. And that's so that scholars and students are free to explore whatever kind of topic and wherever their scholarship takes them without any kind of interference.

And whenever there's an attempt, particularly from a government, to come in and start directing or saying we need to focus on this element or that element, and unless you do that then we're going to withhold your funding or there's going to be these kinds of implications, that takes away that independence. And I think while honourable that we're trying to improve the safe working and learning conditions of students in particular, any time we're opening that door for there to be interference on that independence is going to be—is really problematic.

And so I am urging the committee to take this back to the drawing board completely, to start with those processes that already exist at the public universities and use those foundations to improve upon the institutions that need to have their bottoms raised up and to make those significant improvements and also to focus on—at our public institutions the respecting autonomy first and foremost and also repealing Bill 33.

So with that, I thank you for your time.

The Chairperson: Thank you so much for your presentation and the floor is open for questions.

Minister Cable for 30 seconds.

MLA Cable: I just wanted to thank you for coming to share your views today. And while I have you here, because you're a wealth of knowledge, do you have any insight on how we might incent institutions who are not in compliance to do what they're supposed to be doing?

O. Dingwall: I can speak on behalf of the University of Manitoba. And so, if there was a problem with us, I would say start with the board of governors and use the powers that are already there to ensure that those policies are in existence and being enforced.

The Chairperson: Thank you.

Mr. Perchotte: Again, I want to thank you for presenting here today. I think it's amazing how so many people come down.

* (19:10)

We have seen time and time again there's been no consultation. Although the intent might have been for protection, we see that the lack of consultation gives the—takes away the autonomy of the schools.

What would you think is a appropriate time frame for the consultation process to happen before a bill like this would be introduced?

O. Dingwall: I'm not an expert on time frames on consultations, but I definitely think consulting with the administrations, the students, the student unions and the faculty associations, however long that takes. We're all pretty willing to talk about ourselves all the time.

And so I think that that's a pretty short window for a consultation.

MLA Lamoureux: Thank you, Mr. Chairperson, and Ms. Dingwall for your presentation.

I was hoping that you could speak just a little bit to the structure that is already in place, like just elaborate for those of us who are on the committee here what that structure looks like, who are currently dealing with sexual violence policy, as well as just the importance of not having that political interference.

O. Dingwall: Sure. So at the University of Manitoba the board of—well, like my colleague said, we have a bicameral system which again, I'll break it down. It means there's a senate to deal with the academic matters and the board of government—board of governors to deal with the more operational matters.

And so part of their job is to ensure that all of the policies are being followed and to really put the stops in place to get them to being followed, if they're not being followed.

I forget the second part of your question. I'm sorry. Oh—about the interference.

Yes—is just—I certainly see anything that's saying, if you don't do this to my liking, then we're going to withhold funding—to me, that's a really cut-and-dry level of interference. And, again, we really want to protect the independence of the universities and the post-secondary education—or, institutions.

MLA Cable: I have a two-parter for you.

The first one was, I was just wondering if you knew that the government only has a majority board seats on a quarter of the public institution.

And the second question is a follow-up to my first one, which was: What do you think someone in the position of government should do if the board at a private institution is not willing to do its part and is in contravention of the law?

O. Dingwall: So again, I'm at the University of Manitoba where we do have a majority board and I think that that would be a good starting place to work on places that, if there isn't a majority board, to start there with those places.

And, certainly, if any place is in violation of any laws, I would look to the enforcement of those laws that are already existing as the most expedient way to solve that problem.

Mr. Perchotte: With the lack of consultation that has happened right now and the sheer number of post-secondary education institutions, is there any opportunity to have proper consultation before we rise on June 3?

O. Dingwall: Our faculty association is always happy to meet, as is our larger faculty association. I don't think that the private institutions are as well co-ordinated or organized in the same kind of way that we are in our unionized environments.

But, again, most of the time they are quite happy to meet.

The Chairperson: Thank you.

Any further questions?

No further questions. Time for questions has expired. Thank you so much for your presentation.

We would move to the next presenter on the list, which is Robert Chernomas.

Thank you, Mr. Chernomas. Go ahead, please. You have 10 minutes.

Robert Chernomas (Private Citizen): Yes. My name is Robert Chernomas and I'm a professor of economics in the University of Manitoba. And over the past 40 years or so I've been invited—adviser for the federal and provincial NDP any number of times.

Tonight it's some unsolicited advice this time. And my argument here is the NDP must do better than introduce Bill 10. The subject is an important cause, but Bill 10 is not the answer.

Bill 10 is a Pandora's box. Reducing and eliminating the government grant by ministerial decree is a doomsday machine for universities with a corresponding effect on the social economy of the province.

This legislation will open up the possibility of future governments introducing their own decrees in order to promote some cause or another. One can imagine a future government censoring the criticism of the for-profit corporations as a danger to the Manitoba economy and cutting funding for the offending university.

Bill 10 has the potential to be as dangerous as bill 33, which the NDP rightly denounced and committed to rescind. Bill 10 is being viewed as bill 33. It has the information that isn't out there yet, but it's growing now that we know it's happening, where the state arbitrarily decides how universities will conduct themselves.

Such power in the hands of a minister undermines the very purpose of the university and its role of critical teaching and research, with which the university has a duty above all else to be concerned for those when no one else can be. No other institution and no other office in our modern economy, our modern democracy, which is the custodian of this critical and apparently vulnerable right.

This is an insult to and an assault on the province's universities' integrity and autonomy. How does Bill 10 fix what problem becomes the question.

Bill 10 is a threat to the students of the province, whose future can be suddenly and significantly impacted based on providing arbitrary power to some government minister. Now that the community has suddenly become aware of this threat, this message will spread far and wide to Manitobans sooner rather than later.

The NDP needs to know that there'll be a public fight over Bill 10, which will distract from the great work they have accomplished so far. The NDP must do better than pass Bill 10.

Thank you.

The Chairperson: Thank you, Mr. Chernomas.

The floor is open for questions.

MLA Cable: I just want to thank you for your time. Thank you for coming down.

The Chairperson: Mr. Chernomas, you want to respond?

R. Chernomas: Accept the thanks.

The Chairperson: Thank you.

Mr. Perchotte: Mr. Chernomas, I appreciate you being here, again.

Like the rest of the presenters, we have an opportunity here to do the right thing for the students, but yet Bill 10 goes forward and takes away the autonomy of the universities.

We've heard from the minister questions on how to move forward, but yet in the bill briefings, we were told that there was no issues.

But do you have any idea how we could protect the public without this bill?

The Chairperson: Mr. Chernomas, please go ahead.

R. Chernomas: I'll keep doing that; you're going to have to stop me.

I think it's clear that a public debate is what's going to have to stop this.

You introduced bill 33, and we had a massive movement against bill 33.

And so we're concerned now that the NDP is going to follow in that tradition with Bill 10, and so the answer is, as much as we possibly can, as often as we can, we're going to basically protect university autonomy.

The Chairperson: Thank you.

MLA Lamoureux: Thank you for your presentation and just the transparency as well and coming forward and sharing what you have.

You started to talk about how this could really affect students. Could you expand on that just a little bit?

R. Chernomas: Well, think about the idea that the government can either completely eliminate the public grant or reduce it. Think about students' expectations for their university careers. Think about families all over the province.

And so, like bill 33, Bill 10 threatens the potential student experience. And so the concern here is that Bill 10 has to remove that threat of, you know, remove—eliminating the public grant and/or reducing it without some real, clear understanding of what the problem and how to fix it.

The Chairperson: Thank you.

Any further questions?

Seeing no further questions, thank you so much for your presentation and answers.

We would move to the next presenter, Dr. Peter Ives.

Welcome, Dr. Ives. You have 10 minutes to present. Please go ahead.

Peter Ives (University of Winnipeg Faculty Association): I don't think it will take nearly that time, since I'm here with many of the issues that have already been raised. You know, certainly, I think the questions of autonomy have clearly been expressed, and I think those are the big concerns.

I should actually start off to say that I'm formally representing the University of Winnipeg Faculty Association tonight.

* (19:20)

I'm also a member of MOFA. And I don't think the issues are too different at the University of Winnipeg from the—where—what they are at University of Manitoba or Brandon.

I do think the private universities might be a different situation, and to some extent I just sort of wanted to, sort of, reiterate the notion that obviously we've all said here tonight that we have the same goal, right? Which is, you know, sexual violence is incredibly damaging when it happens, it has long-lasting effects, it affects the people who are the victims and it affects everybody and it affects the whole environment, right?

The Vice-Chairperson in the Chair

So it's obviously something that needs to be taken seriously, and I think, you know, we appreciate where the bill—what the bill is trying to do, but I—and I won't belabour the point and repeat what people have said before me, that the problem is, is that it's the mechanism of that.

I do sort of want to also highlight that notion that sometimes the threat of such a potentially drastic reduction of the operating grant could have the negative consequence of further brushing it under the rug, as Allison McCulloch has already said. So, in a certain sense, I think it's the mechanism that is the issue, right? And it's that, sort of, having the minister having the total power to decrease the grant seems to be the big problem.

And there's been several questions about the timing and the consultation; obviously, there needs to be more consultation, you know, and I'm certainly not an expert in the field, and I think there are, right?

So I do think, and certainly, the—across the Canada—across Canada this is an issue; I know back

in 2019 in Quebec, bill 151, this came up and, you know, it was reported that the government of the time sort of publicly announced—or, by omission—that McGill and UQAM had not lived up to the policies, and shortly thereafter they did, right?

So that—I don't know if that's a good mechanism, but there are other mechanisms to try to get this done, and I think there are other experts who have been working on these issues who are the people to listen to about that. So that's mostly what I just wanted us to consider tonight.

Thanks.

The Vice-Chairperson: Thank you for your presentation, Dr. Ives.

The floor is now open for questions.

MLA Cable: Again, I just want to thank you for the time that you've taken to come and speak to us, Dr. Ives. You've definitely given some good things to think about and, yes, I look forward to continuing to work with you.

The Vice-Chairperson: Dr. Ives, pardon me; please feel welcome to respond.

P. Ives: Thanks.

Mr. Perchotte: Thank you, Dr. Ives.

In my meetings that I've had with MOFA, it was very clear that the autonomy that the schools have is of utmost importance.

How do you feel about zero consultation done in a bill presented to move forward?

P. Ives: As other people have brought up, yes, there needs to be more consultation. Yes.

MLA Lamoureux: Thank you for your presentation.

It's more just a comment more than anything, but I want to thank you for bringing forward just the point of view that, what does this legislation actually do? Does it help protect more students, or could it be used as incentivizing, perhaps, to hide more things under the rug?

And I think that's why we need consultation.

P. Ives: Thank you.

The Vice-Chairperson: Are there any further questions from the committee?

Seeing no further questions, thank you, Dr. Ives, for your presentation.

I'll now welcome up Ms. Katrin Nielsdottir, who joins us virtually.

Ms. Nielsdottir?

Katrin Nielsdottir (Private Citizen): Yes?

The Vice-Chairperson: Please feel welcome to begin your presentation.

K. Nielsdottir: Okay, yes. My name's Katrin Nielsdottir; I'm an Icelandic special collections and rare books librarian at the University of Manitoba. And I don't have a lot, and—or anything—new to add to this conversation. But I did want to express my concerns, with the core issue being the unilateral power being wielded by a single individual.

This situation is ripe for conflict of interests and motives which may not align with the best interests of our educational community. And these—we can all come with the best intentions, but it isn't clear enough, and governments change. The unchecked authority opens the door to budget cuts driven by political agendas, punishments for perceived non-compliance, in non-related matters perhaps, and the wielding of power as a political force rather than the guardian of academic integrity.

I am behind the spirit with Bill 10, and it is really well intended, but the absence of transparency and the clear expectations leaves room for misinterpretation, and without a multi-step review process for grievances and concerns regarding non-compliance, we risk undermining the autonomy and the trust we place in post-secondary institutions, a scenario where decisions would—these decisions would affect the quality of education being offered to our students without any steps to change it.

We just need transparency and accountability and a robust system of checks and balances to safeguard the autonomy and the integrity of our educational institution.

Thank you.

The Vice-Chairperson: Thank you for your presentation, Ms. Nielsdottir—sorry, I'm butchering that. I apologize.

Are there any questions from the committee?

MLA Cable: Once again, I want to thank you for tuning in. I'm sorry, I'm looking between ministers, here, to try to see your face. I'll look at the cameras here.

Thank you so much for your concern and for your thoughtful comments. Appreciate it.

The Vice-Chairperson: Would you like to respond?

Are there any further questions from the committee?

Mr. Perchotte: Ms. Nielsdottir, I again thank you for presenting, and again on a day you can—could be doing anything else, this is what we're doing.

Is there any possible scenario where the government should have this type of overreach that we're looking at here today, without consultation?

K. Nielsdottir: Sorry. I think consultation is the most important thing there, which is missing, and any bill that's being introduced should have consultation from people that are experts in this.

I am not an expert in this, so I can't give an opinion on that. Sorry.

The Vice-Chairperson: Further questions?

MLA Lamoureux: Thank you for your presentation here this evening and for tuning in virtually.

I was just wondering if you wanted to talk a little bit more about just how important grant funding is and how this legislation could ultimately really affect that.

K. Nielsdottir: Yes, absolutely. I noticed that the grant funding from the government, it could take it down to zero. So what happens, then, to all the students who suddenly will not get their education?

The university is dependent on funding from the government as well, and we provide this service to students. And this threat of basically being shut down—sorry, I'm trying to find light—basically being shut down because we didn't match some metrics that aren't—weren't even clear for us to match, is a concern.

And I would feel, like, concerned if I was a student and I chose the University of Manitoba, and I knew that there was this threat, that a change of government or some other unforeseeable situation could come up, and they'd say, oh well, you weren't following this policy well enough and we take all your funding, or 50 per cent of your funding. And then you'd lose all—you'd lose the university and, therefore, their education.

It just has such big effects on everybody involved and it's just one person making a decision. And so how do we know that person is even going to make the right decision? I don't know.

The Vice-Chairperson: Thank you, Ms. Nielsdottir.

Are there any further questions or comments from the committee?

Seeing none, thank you again for your presentation.

We'll move along to the next presenter, Mark Gabbert, who joins us virtually as well.

Do we have him on Zoom?

Thank you for joining us, Mark. You may begin your presentation.

Mark Gabbert (Private Citizen): Thank you very much.

Let me say, to begin with, that I'm here as a private citizen, but I'm a member of the faculty of the history department at the University of Manitoba and a grievance officer for the faculty association.

* (19:30)

For some of us here tonight, this is sort of déjà vu all over again, and that's because this bill is yet another example of how provincial governments of whatever party have acted in ways that have eroded university autonomy.

Recall that in the 1990s, the Filmon Tories abolished the Universities Grants Commission, which was designed fairly effectively to protect university autonomy by providing arm's length buffer between the government and the universities.

The Filmon regime replaced the UGC with the Council on Post-Secondary Education. The COPSE act, as it was called, permitted considerable increased ministerial control over the universities, but at least the council itself was left as the remnant of a buffer between the government and the universities.

By 2014, however, even COPSE apparently was too much for the NDP, who replaced it—junked it—and replaced it with The Advanced Education Administration Act. That act brought the universities importantly under the direct control of the ministry.

Finally, there are those here who will remember that in its quest for more direct control over university programming, the Pallister government went further yet to impose government regulation of the tuition fees of individual university programs. That effort came in the form of bill 33.

It is of more than passing interest that the NDP has never repealed any of the Tory legislation designed to increase government control of the universities. On the contrary, they have only embraced that—not only embraced that legislation but, as I noted,

could not even put up with a weak intermediate body like the Council on Post-Secondary Education.

After the election of 2023, those of us concerned with university autonomy could take some heart from the Premier's (Mr. Kinew) mandate letter to Minister Cable. That letter included an instruction to repeal bill 33, as we've heard here tonight. But here we are tonight, again, with another intrusive amendment to the advanced education administration act. To say that this is disappointing is, to say the least, an understatement.

To turn, though, to the specific issue addressed by Bill 10, the very important question of the prevention of sexual violence, the University of Manitoba has very well-developed set of policies and procedures covering sexual assault and harassment. Taken together with respectful workplace policies, this suite of policies is administered by the university's Office of Human Rights and Conflict Management. The policy and related procedures outline in great detail the process for filing a complaint, the rights of the parties to such a complaint and what is entailed in subsequent investigations and resolutions in these cases.

The rights of both complainants and respondents are fully considered, procedures for launching independent investigations outlined and possible alternative resolutions for such cases discussed. The rights or protections for those governed by collective agreements are clearly affirmed.

In addition, the university has provided a full array of advocacy and counselling supports for those involved. In short, the university has complied with the law—not perfectly, and there are many problems with the policies and procedures in place—as those of us who try to make them work discover day in and day out—but the university has invested considerable resources, which is what it takes, into trying to deal with this problem.

The Chairperson in the Chair

But in any case, this should all have been fairly well known and should not have to be repeated here. One wonders why the minister would apparently take so little account of these facts. One wonders, too, how the minister proposes to assess when an institution has fallen short of her expectations for adequate performance. It's not easy to do.

For example, does an impressively low level of disciplinary measures for sexual misconduct reflect poor enforcement or does it reflect effective efforts and educations.

So there are many problems that arise from trying to do something about this even under the best of circumstances, which obviously don't exist everywhere. But we don't have—we have no answer to these kinds of questions because we really don't know from the minister why she feels compelled to impose this change in the first place.

On the other hand, the University of Manitoba has complied with the legislation. But what of cases where an institution has not complied with the requirements set out in section 2.3 of the act?

Since the minister appoints the boards of so many of the institutions governed by this act, she should, in fact, work to get the boards in question to obey the law, failing which, such boards should be removed.

The alternative, which is what we have before us today, of passing a law specifically targeting a particular institutional practice, is just not acceptable. Yes, even, you know, keeping in mind, of course, we've had no chance to discuss this in any meaningful way in advance of its working its way through the system.

But such a move has the potential of inviting subsequent governments to use targeted legislation to suppress programs, courses or even research in particular fields on grounds that they are politically or otherwise unacceptable.

These are the kinds of things, threats to academic freedom and university autonomy, that this sort of measure invites.

With all respect, the minister should withdraw the amendment, which is embodied in Bill 10. She should, instead, proceed with the measures to repeal The Advanced Education Administration Amendment Act, which is itself a standing affront to university autonomy, opens the way for government interference in the relative cost of various programs, never mind what the academic conclusions about their importance might be.

So, as the Premier makes clear in his mandate letter, that act has to be replaced with legislation that fully respects the university's autonomy.

In drafting the new legislation there should be full consultation with the post-secondary education sector about appropriate measures to achieve government objectives while protecting the autonomy of institutions. It is in the course of such discussions that a satisfactory solution to any reasonable concerns with how to prevent sexual misconduct or any other problem should be devised.

Such concerns should not be addressed by granting to the minister a draconian right to impose financial penalties which, as has been pointed out repeatedly this evening, have the potential to cause great institutional damage.

Thank you very much.

The Chairperson: Thank you, Mr. Gabbert, for your presentation.

Floor is now open for questions.

MLA Cable: Thank you for your comments, Mr. Gabbert. I always appreciate your insight. I know that you have a lengthy history and are a wealth of knowledge. I appreciate you being here tonight.

The Chairperson: Mr. Gabbert, do you want to respond to Minister Cable?

M. Gabbert: Yes. Thank you.

Mr. Perchotte: Mr. Gabbert, thank you once again.

Is there any iteration of this bill or any other bill that imposes—that takes away the autonomy of the institutions that you would agree would be acceptable?

M. Gabbert: It seems to me that the current language in the bill—I mean, I think that the minister is right. The current language needs to be followed by the institutions that it covers. And there should be, you know, within the framework of the current language, a way to determine whether, in fact, there are in place the kinds of things that I've described as existing at the University of Manitoba.

And if there's a situation where there's resistance, then again, I think that, in many of these cases, the minister should exercise her right to get compliance by boards that, in fact, the government has typically appointed and who hold a majority of the seats on these boards, just as they do at the University of Manitoba.

MLA Lamoureux: Thank you for your presentation.

I was wondering just if you had any further thoughts about how, if this amendment were to pass, what that could ultimately do for the current working relationship between post-secondary facilities and the provincial government?

* (19:40)

M. Gabbert: Well, I don't think that introducing it has had a very good impact on what we were hoping was

going to be a much more congenial and communicative relationship between at least the faculty and—faculties of the universities and the minister.

I mean, I don't think any university wants to be told that they have to do this or that particular thing, and we—failing which some big chunk of the grant will be removed, particularly when the right that authorizes this action, the language that authorizes it in this proposed bill, is so vague, so unclear in its implications or in the range of its applications, and doesn't give us any kind of an idea what kind of behaviour is really envisaged as the kind of violation that would trigger such a penalty.

So I think there's a big problem here with trying to solve this problem with what really amounts to a couple of sentences that impose a threat.

The Chairperson: Thank you.

Any further questions?

Seeing none, thank you so much.

We would move to the next presenter on my list, Dr. Justin Lewis, who has joined us virtually.

Dr. Lewis, are you ready? Thank you, Dr. Lewis. Are you ready for the presentation?

Justin Lewis (Private Citizen): Good evening. Can you hear me?

The Chairperson: Yes, we can hear you. Go ahead please. You have 10 minutes for the presentation.

J. Lewis: So, first of all, I want to thank the minister and this government and this committee for taking seriously the issue of sexual abuse and violence. The issue is very real. It's very heartbreaking. I've heard from students at the University of Manitoba, where I teach, very disturbing stories of their own experiences. I'm glad that you here and this government are taking this seriously.

I also want to thank the minister for what I'm hearing as an outlook of openness and a desire to work together and consult further with universities, faculties, students, everyone involved in this.

With that said, I want to join most of my colleagues who have spoken tonight in urging that this bill should be dropped—it should not go through—and that it's an important priority to address the points on the minister's mandate letter that we were told about.

My main concern personally with this bill as it's been presented is with the individual power that it

seems to give the minister or perhaps *[inaudible]* or all of a university's funding.

Universities are very dependent on this public funding, and to allow any individual to have the power to make that kind of decision seems fundamentally wrong to me in our society. I keep thinking of something I was taught in high school, that in a free society we are governed by laws, not by people. Of course, that's an idealized view, and there are issues with laws as well, but the point is that there are rules in place in society and that we're not subject to any individual's choices unless they can justify them in terms of those rules.

And that applies on the large scale to society as a whole. So we live in Canada, a constitutional monarchy, not in an absolute monarchy, not in a dictatorship, and it applies to much smaller situations as well.

As a professor at the University of Manitoba, I have to give grades to my students, and a student's grade on a course can make a huge difference to them. The days are gone when I could simply give an A to one student and an F to another because my gut reaction to their work is that it's very good or very bad. I have to be clear to my students about what I'm doing. I give them a rubric, a checklist for each assignment. I give them feedback about the work they've handed in. If I see that the class as a whole isn't understanding something that I'm expecting from them, I try to explain it to them so the expectations are clear. I give the mark based on those guidelines.

If the student disagrees with me, they're encouraged to talk to me about it. If we can't come to a resolution, they can go to my department head. If that doesn't work and the student still feels the mark is unfair, there is a grades appeal process at the university. Now, that's on a small scale, but there's a lot of rules and communication and checks and balances that go into it. So how much more so on the scale of potentially the whole future of a university and the entire careers of the students who go there? How much more so do there need to be clear rules, procedures, a process for appeal? There needs to be a lot more than just, again, the minister or designate going by how they feel about how an institution is doing.

This, to me, is essential. My colleague, Dr. Gabbert, mentioned that there are other instances where individual ministers have considerable power. That may be the case, but we don't want more of that. I have great respect for Minister Cable from what I'm hearing, but I do not want, in a free society, any individual to have

the arbitrary power to make decisions of such magnitude. That is not democracy; that is tyranny.

And so, on those grounds as well as the others that have been mentioned, I agree with my colleagues here and I urge the committee to stop, to drop this bill and to take a different approach to these very, very important issues that we're speaking about.

Thank you.

The Chairperson: Thank you, Dr. Lewis, for your presentation.

Do the committee members have any questions for Dr. Lewis?

MLA Cable: Once again, I just wanted to thank you for your comments, Dr. Lewis. Very insightful. Appreciate them.

J. Lewis: Thank you.

Mr. Perchotte: Thank you, Dr. Lewis. I appreciate your direct, open and honest remarks that you've given here. You spoke about those powers being that of a—in tyranny, dictatorship. Is there any type of iteration of this bill that you would support these type of extreme, arbitrary powers being given to the minister?

J. Lewis: Yes, I think it's quite clear, from what I've said already, that I would not support, really, under any circumstances, an individual, be it the minister or a delegate, having these kinds of powers.

* (19:50)

As I said, they're really, you know, if anything along these lines were to go through, there would have to be clear guidelines about what constitutes compliance or non-compliance on the part of the institutions, how the decisions are to be made, there would preferably be the involvement of more than one person in making any such decision. There would have to be a clear process for appeals.

So I can't support individual wielding of power on this issue, or really any that I can think of.

The Chairperson: Thank you, Dr. Lewis.

MLA Lamoureux: It's more of just a comment. I want to thank you for your presentation. I very much appreciate the comparison to grading as an instructor or a professor, and just the process in place from rubrics to feedback to encouraging students to speak up and make their argument strong; and of course, there always being an appeal process.

And just how this amendment gives so much discretion to one person. It's very telling and kind of ironic that it is an education amendment being brought forward.

The Chairperson: Thank you, MLA Lamoureux.

Dr. Lewis, do you want to respond to MLA Lamoureux?

J. Lewis: Well, I do want to say thank you for picking up so clearly on what I was trying to say. I feel very heard and I hope in general that this committee will hear and really think over what all of us this evening have been saying.

Thank you.

The Chairperson: Thank you, Dr. Lewis.

Any further questions?

Seeing none, thank you so much for your presentation, Dr. Lewis.

So the presentations on Bill 10 are finished.

Bill 17—The Workplace Safety and Health Amendment Act

(Continued)

The Chairperson: And we move on to Bill 17.

And next presenter on the list is David Grant.

Welcome, Mr. Grant. Please go ahead.

David Grant (Private Citizen): The introduction of this bill and the creation of this committee, this advisory body, again, seems like a great idea at the outset. The details may not support the lofty goal, and I'm concerned with that. And I'm reminded that I've been involved in industrial operations, big companies in Ontario, where there were advisory groups to advise company management and the union on health and safety matters.

And I acknowledge Mr. Rebeck and his presentation before. Obviously his folks want to have a say in how the law is administered and how the laws are changed.

But in this case, I would suggest that it's essential when this group—I don't see it in the legislation—but it's essential that when the minister puts this together, that this advisory group not all be of the same mind. That having a dissenter in the group is essential and having people who are aware of the technical issues is also essential.

We saw a similar—this problem that I foresee if the group's put together and it only has groups like Mr. Rebeck on the group, then it's too likely that what one of those people puts forward or what the minister's helpers put forward will not be challenged. And I think that's a big problem. I think that the—having dissent is essential when you're trying to advise.

And I'm reminded of the situation that the previous government was in when the world was shutting down because there was a virus that was going to harm us all or do great damage. In that case, they had advisers.

It turns out that the advisers were not advising, and that it's one thing to criticize a group that's not in power any more, but I think the message is the same—that if the group, if the minister and the minister's adviser team are all of the same—with the same goal, and don't realize there's a problem with what they're putting forward, we have a problem. Specifically some of the microbiological things that were envisioned and carried out during the pandemic with the advisers that the government had, missed the boat on many technical issues.

And in that case, he may have had—he didn't have what we are proposing here, but—he may have had advice, but the advice did not include the technical people that were available, that—the doctor who was his obvious chief advisor invited comments.

And I'm still president of the local AOAC, which is a group that represents analytic chemists and microbiologists. And so our group was, of course, never consulted. And I don't think any local—from what I've found in announcements and FIPPA requests since, that the government made no reference to any technical basis for their decisions.

And I think there's a problem there and that's what I want to make sure that—if this legislation can be adjusted to make sure that dissenting opinion is included in this group and that technical experts are also included.

Because things like masks—I had—I was involved with a number of employers in Ontario where the air in the workplace could kill you and we had very vigorous ways of protecting our workers. And I was on the committees—technical committees—that were doing that work.

And instead, we find that the Manitoba Health at the time had no advanced breathing protection for any of the employees. So not only did we not have a standard for the equipment we should supply to our respiratory ward nurses to protect them, we didn't

have any of the toys that we should have had: the equipment that I had decades ago in Ontario to protect our workers from lead in the air and uranium particles in the air. That equipment wasn't available in Manitoba.

And, ironically, the safety meetings that were required by Manitoba law were not held during that time period, which is also disappointing. So the—if this law would allow that situation to be repeated in a decade, it's not good—not doing the job we all expect it to do.

So I just want to make that clear, that I think a committee like this is essential; it has to not all be yes-men. It has to have dissenters and well-informed people serving on it.

And I think that in the case of the government's decisions during the pandemic, if they had had this group in place, if this bill had passed and the committee, the body, had been properly constituted and had the power, I think we would have done a lot less damage.

So I just wanted to make those points, because having seen it go badly and having seen this happen, it's one thing for Manitoba labour to do it; it's another when, without that requirement, organizations like Eldorado Nuclear has its own—had, in those days, its own health-safety committees made up of both sides, and I think they were very, very effective and—because dissent was invited and there were technical experts there, not just yes-people—we shouldn't use yes-men anymore.

But anyway, I wanted to make those—I think they're very important points and I'm in support but want it to go further.

Thank you.

The Chairperson: Thank you, Mr. Grant, for your presentation.

Floor is now open for questions.

Hon. Malaya Marcelino (Minister responsible for the Workers Compensation Board): Thank you, Mr. Grant, for your participation and for your comments thus far.

I want to assure you that I'm not interested in an advisory council of yes-men. I think if anybody is interested in really trying to make improvements in safety and health for all workers across Manitoba, you can't do that with a group of yes-men, no matter how well intended. So, certainly, we're not interested in a group of yes-men.

This advisory council is going to be something similar, what we're proposing, to be what other provinces have. I assure you that it's going to be made up of technical experts, a third of them; leaders from the labour community, a third of them; and leaders from—

The Chairperson: Order, please. The time for question has expired.

D. Grant: Thank you, Minister. It's very reassuring to hear that—your strong words on that topic, and I'm glad it's going in that direction.

* (20:00)

And I think internally, in your department, in formation of this group and the way you select people and the way you run the thing, if you keep in mind the unilateral basis of some of the worst decisions made by the previous government during the pandemic and how they were completely insulated from technical experts. Someone who was a technical expert and said this is working and this is completely—this is cost and no benefit, they were completely isolated from that.

So whether it's yourself or a future minister, we have to make sure that the ministers do not take unilateral action.

And thank you.

Ms. Jodie Byram (Agassiz): And thank you to yourself, Mr. Grant, for making a presentation again here tonight. It makes it a bit of a long evening for you, but I just want to put on the record that I appreciate your presentation, your comments and your input.

So thank you.

D. Grant: Thanks for the nice words, and this is in retirement. I'm retired from active working. The providing my knowledge and experience is one of the things I take pleasure in in retirement, and that's why I'm still serving 10 years after I should have retired from this—serving this organization and a couple of others—volunteer boards, and so on.

But it is just for evenings like this that makes it all worthwhile. And thank you.

The Chairperson: Thank you, Mr. Grant.

MLA Marcelino: I just was cut off because of time, but I do want to assure you that we will be led by science and by evidence.

One third of the composition of this advisory council we are proposing to be, again, technical and

professional experts in the field, one third of the council to be part of labour and one third to be coming from employers to try to assure there is balance there and that this group would be led by evidence and science and experiences of workers to ensure that we're all working towards the same goal, which is to be improving the experience of safety and health for workers across Manitoba, because we want to make sure that workers can come home at the end of the day, safe.

Thank you for your presence here tonight and for your suggestions.

D. Grant: I'm reminded of just over a decade ago, I was here speaking to a bill that was brought forward by Labour minister Braun, and I had some ideas. The bill brought in some things to protect workers on the side of highways, and I brought up three ideas that had been very successful in other jurisdictions.

She came over with her assistant afterwards and said she was going to incorporate those; it was very important to her. And somehow, nothing happened. And so that's a bit disappointing that when a minister is excited about an idea and wants to bring it in, and I'm not sure whatever happened to it.

I would certainly love the opportunity to speak to your assistant about that, minister, because that's an old bill that's long gone. That was 2013, but I would still like to see us have the best laws.

And I'm very pleased with your reaction to this, that it looks like you're working hard on having this, the best possible law.

Thank you.

The Chairperson: Thank you, Mr. Grant.

The time for questions has expired.

We would move to the next presenter. Next presenter on the list is Ms. Sandra Oakley, who joins us virtually.

Welcome, Ms. Oakley. Are you ready for the presentation?

Sandra Oakley (Manitoba Federation of Union Retirees): Yes, I am.

The Chairperson: Sure. Please go ahead. You have 10 minutes to present.

S. Oakley: My name is Sandra Oakley. I'm the vice-president of the Manitoba Federation of Union Retirees.

We are the Manitoba affiliate of the 500,000-member Congress of Union Retirees of Canada. We are retired union members, supportive of the aims and objectives of Canada's trade union movement. We are proud affiliates of the Canadian Labour Congress and its 3.5 million members, and the Manitoba Federation of Labour, and its 130,000 members.

I'm appearing tonight on—to speak in favour of Bill 17, the bill that will re-establish the advisory council on workplace health—safety and health. We opposed the decision of the previous government to eliminate this important body in 2018. We fully support the Minister of Labour's comments in introducing Bill 17, where she said, reinstating the advisory council ensures that worker and employer groups in Manitoba have a direct connection to the department on important workplace safety and health issues.

As retirees, many of our members started working prior to the 1970s, when legislation was first established to improve workplace safety and health measures for all workers in Manitoba. Many of us remember the days when worker safety was often ignored. Through the Manitoba Federation of Labour, workplace health and safety has been a priority for the last 50 years, a priority in our internal union education programs, at our bargaining tables and through our direct calls for legislative protections for all workers.

The foundation of our workplace health and safety work is found in our four core health and safety principles. These are the right to know, the right to participate, the right to refuse unsafe work, the right to protection from discrimination.

Just last month we observed the April 28 day of mourning. Sadly, we also remember 22 Manitoba workers who died on the job or from an occupational illness. We know that here in Manitoba, our Workers Compensation Board processes some 25,000 workplace injury claims each year. These statistics point to the obvious fact that the job of protecting the workplace health and safety interests of all workers will never end. In short, there remains much to do.

Restoring the advisory council on workplace safety and health is an important measure, one that ensures that as workers we can communicate directly with the office of the Minister of Labour and the government departments responsible for worker safety. In closing, this is an important piece of legislation, one we urge all members of the Legislature to support.

Thank you.

The Chairperson: Thank you, Ms. Oakley. Thanks for your presentation.

The floor is open for questions.

MLA Marcelino: Ms. Oakley, I just wanted to thank you for your presentation, for your words tonight, and as well for your advocacy all these years on this very important topic. I don't have any questions for you at this time, but just to really, from the bottom of my heart, to thank you for your advocacy all these years.

S. Oakley: [*inaudible*] much.

Ms. Byram: I'll—I, too, want to say thank you to Ms. Oakley for your presentation and participating virtually tonight, and putting your comments and words on the record here. Thank you.

The Chairperson: Thank you.

Do we have further questions?

Seeing none, thank you so much everybody.

**Bill 202—The Community Foundation Day Act
(Commemoration of Days, Weeks
and Months Act Amended)**

The Chairperson: We would move to the next presenter, which is for Bill 202, Ms. Nathalie Kleinschmit.

Welcome, Ms. Kleinschmit. Please go ahead.

Nathalie Kleinschmit (Francofonds): Bonjour. It's an honour to speak to Bill 202 as the executive director of Francofonds, Manitoba's francophone community foundation.

We all know The Winnipeg Foundation, but Manitoba's home to 57 foundations all across the province who each have a story.

* (20:10)

And I'd like to share with you today ours, how we began and what we do, the challenges that we're facing and how recognizing community day—community foundation day is an impactful and important opportunity for us all.

So let's begin. As an invisible minority group in Manitoba, the francophones, our struggle to resist forced assimilation and survive is often overlooked. It was illegal for my grandmother to learn French. I grew up hearing about stories of hiding books when the inspector came along.

My mother was shamed. Speak white is what she heard.

And so, in the '70s, after a community building in St. Boniface was set on fire, a group of francophones realized that they had to take their destiny in hand. They created Francofonds, inciting, inviting the community to donate generously, create endowment funds whose interest would then provide grants and bursaries back into the community to support projects by and for us.

So today, we hold \$15 million and, just this past year, granted out almost \$1 million of bursaries and grants. In—so our francophone fight is less fiery, but our community focus is still at the heart of what we do, especially as our community has expanded and grown and changed, as all Manitoba has.

We work to complement the government. We're your partners. We complement you. So when you fund an operation, the operations for Chez Rachel, a second-stage shelter, we fund the birthday cakes that the children remember years later. We fund student bursaries, artist projects, museums, schools, health facilities, heritage activities through microgrants that go a very long way. I have a happy job.

But we are, as many foundations are, facing challenges. And I'd like to speak to those.

So the community foundations are different from private foundations, which come from great fortunes or families or businesses who've put it in. And today, we have to find our positioning, because the biggest competition that we have for donor dollars come from banks, who have suddenly popped up—not suddenly; they've been around for a while, but are more aggressive today, attracting and offering private endowment funds. They hold 70 per cent of endowment funds in Canada.

And so this hoarding of wealth that we are seeing has forced some changes in the way the Canada Revenue Agency is moving forward, and we've just been faced with a new rule that I think is good in principle. It's a disbursement that forces us to grant out 5 per cent of our funds, which is great until the interest rates drop, because many small community foundations do not invest in multinational stock market and overseas. They invest with their local credit unions.

And so there is that struggle of how do we cover our expenses, our fees, grant out 5 per cent and still survive?

Unlike banks, we offer services. We are close to the ground, we're in our small communities. And we are the champions. We guide. We can help a not-for-profit build a finance plan to get other funding. There's very little funding that comes to Manitoba from the

federal institutions and the rest, because people don't have time in the small not-for-profits, or they don't know or they lack confidence or the connections.

So the foundations locally only grant out, but we help through our microgrants, help organizations find more.

And then, finally, the forever is exhilarating. You know, they said, we're going to be there forever, *toujours [always]*, by us, for us. I mean, the French are—they're fun.

It's exhilarating, but today, and you know this better than anyone, the needs on the ground are great. It is very hard to talk about forever, 50 years, when people today don't have homes, don't have food. I can't go—I can't—I don't—I have no social life anymore, because when I go out, people ask me for money. I go to a concert, an artist wants money. Like, you must have the same thing.

So we have to find a way—yes—and also yes, we're all here on a Monday night at 8:15, but anyway, it's Monday, not Friday, so I'll give you that. The needs are all great. We need to acknowledge that we need to help today so that there's actually a tomorrow that we can exist for. So it's a tough time, but as challenging as it is, it's an exciting one, because we've been forced to step up and bring clarity.

And that's where you come in. This bill is incredibly helpful. Not only is it an encouragement for us, it's really lovely for us to be seen. And I'd like to thank both Grant Jackson and Robert Loïselle who were the ones who came directly to some of our foundations and said, we see you. You know, we see you, we hear you, and we acknowledge the work you're doing. So that's lovely. It's very, you know, the idealism of that, it's right there.

You shine a spotlight on our positioning and our purpose, but what you also do is you give us a very good business opportunity to have a second moment in the calendar. The end of the year is traditionally when foundations do their call-out for donors, and last year, I stopped because I was getting letters every single day to donate to this, donate to that, and I had quite a few donators—donors who came, and they were feeling the fatigue, of donor fatigue. And I think that when that happens, we all lose.

So by having a community foundation day at a different time of the year, we can leave that end of the year to the charities who truly do need those dollars today, but we can take our time anchoring generosity in the community, working together, working on things

like the Will Week, inviting people to do planned giving, speaking about our opportunities. And that, for us, is really important in our calendar, to be able to balance that and celebrate and come back to what community means.

So as we anchor generosity and empower community, I'd like to reiterate my thanks to you for this non-partisan decision to move forward with community foundations because they affect, especially—I can speak about the francophones, but my colleagues who are in Killarney, Kenora, Thompson, Brandon are doing really great work, and this is going to be a very significant moment for us all.

Yes, thank you. So I'd like to thank you for having proclaimed the day this year, and I truly hope that you will vote into enshrining that into law, so that every year, we can start, forever, start today for tomorrow and forever celebrate the communities and the work that we do in partnership with you.

Thank you.

The Chairperson: Thank you, Ms. Kleinschmit.

For the information of committee members, the question rotation for this private member's bill would be the member sponsoring the bill, a government member and an independent member.

The floor is now open for questions.

Mr. Grant Jackson (Spruce Woods): Thank you so much being here.

This isn't a question, it's just a statement. Thank you so much. It has been an absolute treat to meet you through this process. Thank you for being here on a Monday evening, representing community foundations. I know we have a number of written submissions as well. Thank you for spending the evening with us.

It was a great event on April 25 in advance of April 26. That was the exact idea of the bill, to make it a day to celebrate you and all the work you do but also the fundraising opportunity.

And as for the CRA issues, we worked together quite well across the aisle on the event and this bill, and I sincerely hope that government members and I could work together to raise your issues to the federal government with respect to the CRA challenges that you raised and hope to make some traction and progress as well there.

So just thank you very, very much for being here.

N. Kleinschmit: Thank you. That's even more than I expected, so I really appreciate you all.

MLA Robert Loiselle (St. Boniface): Merci, Nathalie. Thank you for all those kind words, and thank you for all the great work that you do.

And you alluded to the fact that there's 57 foundations, they give out 5 per cent every year. You've alluded to the fact that, you know, the foundations, they've helped you and other foundations, you know, fundraise more money.

Do you see other ways governments and foundations could work together to enhance the work that you do, that we do, together? *[interjection]*

The Chairperson: Ms. Kleinschmit.

N. Kleinschmit: Sorry. Thank you.

Yes, there is another way because that disbursement, the 5 per cent, is for foundations who hold more than \$1 million in assets. It sounds like a lot, but we do get there quite quickly because people are incredibly generous.

* (20:20)

So because we have the competition right now, one of the most useful ways you can help distinguish a community foundation from a private one would be to help with the tax credits. Today, the tax credits are approximately 50 per cent, but if we had one that was close to, for example, the political giving, or I'd say even, I don't know, 100 per cent for the first thousand, so we can start getting younger people giving that—those first dollars and then staggering the next 5,000; 75; then after that it's a benefit they can get like everybody else.

But those sort of tax credits would certainly go a long way, because what we find is getting that first donation is the hardest. Everybody's suffering. They want to help their children, and I get that. They want to help each other. There's a lot with GoFundMe, of people giving directly. So having the tax credit would be an added incentive.

I would also like to say that tomorrow I'm taking a plane at 6 in the morning to go to the Community Foundations of Canada gathering with leaders of different foundations, and they always tell me that they look to Manitoba as an example. The Winnipeg Foundation was the first foundation—it's the largest foundation. It's a really important one in Canada. We are the province with the most foundations. They think we're crazy. We—even, like, per capita even more than Quebec.

But they always say, wow; you are very lucky to be in a province where people understand what it means, because we are a barn-raising province. We—you know, most people come from the rural areas. The francophones do, too. There are more francophones in the rural than in St. Boniface, for sure—where a community comes together. So I do think that they're very excited about this, and I would like you to know that the rest of the country is looking at you for sure, with a smile.

The Chairperson: Thank you.

Do we have further questions?

Seeing none, thank you so much for your presentation and your answers. *[interjection]*

Thank you.

Bill 10—The Advanced Education Administration Amendment Act *(Continued)*

The Chairperson: Now we would move to the presenters for Bill 10.

So these presenters were called once.

We are calling again Ms. Lori Barber for Bill 10. So, Ms. Lori Barber? If not, then we can go to the next presenter and drop them to the bottom of the list.

Next presenter for Bill 10 is Ms. Shirley Thompson. Do we have Ms. Shirley Thompson? So both of these presenters that I just announced will be dropped from the list.

That concludes the list of presenters I have before me.

* * *

The Chairperson: In what order does the committee wish to proceed with clause-by-clause consideration of these bills? Any suggestions?

MLA Mike Moroz (River Heights): Just numeric order.

The Chairperson: Numerical order has been suggested. Agreed? *[Agreed]*

Bill 5—The Adult Literacy Act *(Continued)*

The Chairperson: We will proceed with clause by clause of Bill 5 now.

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

An Honourable Member: I do.

The Chairperson: Minister Cable.

Hon. Renée Cable (Minister of Advanced Education and Training): My apologies. Oh, I do not. Oh, I do. It's been a long day, Mr.—thank you.

I want to thank the committee and everybody who has contributed presentations. The purpose of Bill 5 is to help adult learners to improve their lives, build their foundational skills and increase participation in their communities and economy.

Challenges Manitobans face pursuing education and getting the skills in regular K-to-12 programming: we need to destigmatize interruptions in learning and honour people where they are at, instead of pretending roadblocks do not exist and help people overcome their barriers.

This bill is about bringing adult education to the forefront as a key pillar in Manitoba's educational system and it recognizes adult education as a legitimate and important pathway for advancing personal education and eventually career goals for some.

Literacy skills are foundational until—of the full participation of all individuals in society, and acquiring these skills helps newcomers settle into their communities and find good jobs.

This bill will help close the education gap between Indigenous and non-Indigenous people and ensure that, wherever possible, that we can help lift people up and bring them to a place of dignity and to a place where they can participate fully in society.

As an anecdotal note, this is overdue, in some ways, bringing back a framework for adult literacy. And it's my sincere hope that by ensuring that we have a framework by which we can measure not only our successes, but where we have opportunities to improve, that we have the best outcomes for all Manitobans and that we can move to destigmatize low literacy rates and folks who are struggling to be gainfully employed.

Last year, there were 26 funded programs in 43 locations across the province, supporting 1,250 Manitobans on their path to better opportunities. This bill would recognize the important work and contribution of these programs to the quality of life of individuals in Manitoba.

It ensures the integrity of adult literacy program by establishing standards across the system to ensure that individual learners have success and it will help us know what is working so we can do more of it, and what is not so that we can make improvements.

We have a strong commitment to strengthen the adult education system and help more Manitobans

finish high school and go on to post-secondary education. It was a great privilege that has afforded me the opportunity to sit in this chair and it's my goal to help extend that bridge for other individuals.

This bill is an important part of our plan, which also includes a \$1-million funding increase to adult literacy program and adult learning centre operators this year. It also mandates government to work with partners to develop an adult literacy strategy. If we want to go somewhere, we need a roadmap and we have experts in the field that will help us draw that map.

In addition to the consultations we've already had, we will be undertaking broad-based engagement to inform the adult illiteracy regulation and strategy and adult education modernization over the coming weeks and months.

This is an important piece of legislation that lays the groundwork for other program improvements and I'm truly grateful for the views and contributions to this legislation from all stakeholders across Manitoba.

Thank you, Chairperson.

The Chairperson: Thank you, Minister.

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

Mr. Richard Perchotte (Selkirk): We recognize that education is paramount in the lives of people to lift them out of poverty, to change their position in society and to effectively have them prosper in ways that their families after them will move forward.

The proposed bill seems to meet the criteria that we look for in government, as we are elected officials to do. And I have—like what I see here today. I think, like anything, can—things can be improved upon but what is in front of us today is addressing, that the cause of illiteracy that we face in this province and I would love for us to find ways to get everybody literate, where they can contribute to society on a meaningful level.

Thank you.

The Chairperson: Thank you, Mr. Perchotte.

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

* (20:30)

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

Is that agreed? [*Agreed*]

Clauses 1 through 4—pass; clause 5—pass; clause 6—pass; clauses 7 and 8—pass; clauses 9 and 10—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you.

**Bill 10—The Advanced Education
Administration Amendment Act**
(*Continued*)

The Chairperson: We will now move to clause-by-clause for Bill 10.

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

Hon. Renée Cable (Minister of Advanced Education and Training): I want to sincerely thank the committee and everyone that has contributed presentations. There were a lot of very thoughtful contributions this evening, and as I promised in private, I will promise in public: that I will continue to work with all of the folks who contributed to the presentations this evening.

The purpose of Bill 10 is to strengthen protections for students first and foremost, and work together to build safer campuses for students, faculty and staff, and enhance transparency and accountability of institutions to their campus communities—all institutions.

Our government respects academic freedom and the autonomy of institutions. These amendments will build on what institutions are already doing, and what they are doing well. This bill will ensure institutions are accountable to their campus communities and respond appropriately in the event of a disclosure of sexual violence incident.

These amendments protect students regardless of the size of institution or which program of study they choose. Families need to know that students are safe, whether they're in the classroom, on campus or at a practicum or a co-op work placement. Everywhere that a student is, they are—they should know that there is a policy that protects them.

We need to make sure that all institutions have the tools to respond to and address incidents of sexual violence. Post-secondary institutions are already required

to have sexual violence policies in place and to regularly review them. Those are their policies.

However, the current act does not have any avenues for recourse in the cases when and if we are made aware of the lack of appropriate policy. This remedies that.

With this amendment, we are proactively ensuring that we have the mechanisms to hold institutions to account. While there are some existing mechanisms that address protections of workers and provide avenues of recourse, there remain gaps, and we know that there are gaps.

There is a lack of explicit reference to sexual violence and harassment language, and provisions that specifically address the unique situation for students in on- and off-campus activities, including during experiential learning opportunities.

This bill will help close the gap and make explicit the protection of students in their unique position within the campus community, which may or may not include workplace settings.

It has always been our intention to take a progressive approach and work with institutions if issues of compliance arise.

It is the responsibility of the minister to always act in the public interest. It is not in the public interest to eliminate all of an institution's operating grant. To be abundantly clear, any recourse, any clawback of the grant is a last resort and we will work to ensure that it's clear that this is a progressive policy. And to be clear, this is not about penalizing institutions. We know our institutions are good partners and want to provide safe spaces for students and protect students from all forms of harm.

But we also know that women and girls disproportionately experience gender-based and sexual violence, including Indigenous women, women living with disabilities, individuals within the LGBTQ+ community, newcomer women, and women from ethnocultural and racialized communities. This is unacceptable. We know the impact of these experiences are far-reaching and can have devastating effects on one's mental health, feelings of self-worth, respect and safety, as well as academic performance and involvement in community life.

To be clear: This bill is about sexual violence. These amendments are about ensuring our institutions have the tools to keep our students safe. That includes my children and your children, my sister, my aunt, my brother. Every student deserves to be safe.

We know that there is good work happening and examples of promising practices across our institutions, but we also know that much more needs to be done and there is more we can learn from. This bill will increase accountability and transparency and create more awareness of the issues to inform steps for improvements. Institutions will be required to make public the results of the reviews they already undertake. They are already bound by legislation to undertake a review; this will ensure that that review is made public.

This is an opportunity for all of us to work together as partners to create positive change against sexual violence for the well-being of our students, faculty, staff and communities.

I look forward to taking the recommendations made at this committee under review and continuing the conversation to assist with achieving our common goals and doing it in a respectful environment where institutional autonomy is absolutely respected but students are given the most opportunities to stay safe as possible.

Thank you, Mr. Chairperson.

The Chairperson: Thank you, Minister.

Does the critic from official opposition has the opening statement?

Thank you.

Mr. Richard Perchotte (Selkirk): When it comes to the safety of students that attend our schools, when it comes to the safety of people in our public systems, when it comes to the safety of people walking our streets, everybody should feel safe and be able to walk around, attend schools, universities, and everywhere else—churches, shopping centres—without fear of sexual violence or harassment.

We agree that the protection of people in our province and in our country is the utmost of importance to us. We will strive at every length to make sure that those protections are put there. As a parent with children who've attended these schools, we send our children off to these organizations with open hearts, hoping for their future, and cannot ever conceivably think that any harm would happen to them. So we want to make sure that parents have that ability to send their children forward.

But we've seen today what a lack of consultation will do. We've seen what a total disregard for the autonomy of the education system will do. We've heard comments of dictatorship, of tyranny. We've

talked to people taking away the powers of institutions at the sole discretion of the one minister in the organization. There's a number of tools at the disposal of the minister and that office; there's several different things. This is already a law that's in effect for organizations to have the sexual-harassment policy, to have consultation, to report that policy, and it is a required time frame.

When we spoke of what this bill was to be accomplishing, we asked several times, is there any organizations that are not meeting this, and the answer was, not that they were aware of. And we asked again, is there any special-interest groups, student bodies, that are asking for this legislation? And again, not that we're aware of.

* (20:40)

Are we—do we know of any person, organization, anybody whatsoever, that is asking for this legislation? And the answer was, no; not that we know of.

When we asked, was there any consultation done, we were told, yes, with all key members—the key schools. Yet we find out today at committee and 15 people presented, and not one of them said they were ever consulted. That is very, very concerning that we are giving arbitrary powers to a person in government, one single individual, to move forward and bring forward tremendous powers that can take funding away from institutions that desperately need it.

When we take a look at sexualized violence, sexualized harassment of any student, we would make sure that we'd do anything to protect our students. But the protections are already there. We need to make sure that we work within those different institutions so that they can implement their policies and make sure those policies are adhered to at a current time frame. We need to make sure that we announce what we need from them in a true and transparent method to let them know, hey, listen, your policy is due here in five months; we just want to give you a heads up; we're looking for some feedback from you. Have you had your consultations? What does it look like? Do you need any supports from government?

But that's not what we had here. We had a minister in the department come through and say, we're going to consult with you by sending you a letter and telling you Bill 10 exists. That is not proper consultation. That is taking away from everything.

We have met with the members of the organizations that we spoke with. We met with MOFA, and

we talked to the people there, and autonomy needs to be respected. They talk about, several times, how their key fundamental right is the ability to have the autonomy. We talked about the information that's provided as a directive to the minister to make sure that, No. 1, they recognize the importance and the autonomy of the institutions in our secondary schools and yet, here we are again faced with a situation where they're being forcefully told.

And there's no framework as to how it's going to work. There's no appeal process. There is no criteria of when the scope falls out, how many days after, is there—that we're going to review this. There is nothing but a feeling from the minister that we need to do the right thing. I feel the right thing is there.

We heard from every presenter today that the schools and institutions that are looking at their sexual harassment policies all say that the policies all need to improve across the area; however, they are a moving target and they keep changing their policies to adapt to new requirements that they have internally and externally.

And when we take a look very simply at what this does, Bill 10 gives the sole autonomy of what's happening in the school system to the minister. And that is not something we want. We want the schools to have the autonomy and working in consultation with the minister and the minister's office to make sure that procedures are followed, to make sure that laws are implemented and maintained and we're doing things on a required basis, not being—come heavy-handed: do this, or else. Is there anybody who's saying that they haven't done it? No, but we're just saying, just do this or else.

So, from our point of view, Bill 10 is a very scary situation where they're putting powers in the hands of people who don't need those powers. We heard from several presenters today who said that we should be governed by bills, not by a minister.

And I'm going to close my remarks on that. Let's work together to make sure that people are safe and free from any sexualized violence or harm whatsoever, while respecting the autonomy of our institutions.

Thank you.

The Chairperson: Thank you, Mr. Perchotte.

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.

Shall clause 1 pass?

Some Honourable Members: Pass.

The Chairperson: Clause 1—

An Honourable Member: No.

The Chairperson: I hear a no.

The floor is open for questions. No questions?

So if there are no questions, I would put the question on the clause.

Shall clause 1 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

The Chairperson: I hear a no.

The floor is open for debate.

Are there any questions?

Thanks for your patience. We would proceed further.

I hear a no.

Voice Vote

The Chairperson: All those in favour of clause 1, please say aye.

Some Honourable Members: Aye.

The Chairperson: All those opposed, please say nay.

An Honourable Member: Nay.

The Chairperson: In my opinion, Ayes have it.

Clause 1 is accordingly passed.

* * *

The Chairperson: Thank you.

Shall clause 2 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

The Chairperson: I hear a no.

The floor is open for debate.

Are there any questions?

Hearing none.

Voice Vote

The Chairperson: All those in favour of clause 2, please say yea.

Some Honourable Members: Yea.

The Chairperson: All those opposed, please say nay.

An Honourable Member: Nay.

The Chairperson: In my opinion, Ayes have it.

Clause 2 is accordingly passed.

* * *

The Chairperson: Shall clause 3 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

The Chairperson: I hear a no.

The floor is open for debate.

Are there any questions?

Hearing none.

Voice Vote

The Chairperson: All those in favour of clause 3, please say aye.

Some Honourable Members: Aye.

The Chairperson: All those opposed, please say nay.

An Honourable Member: Nay.

The Chairperson: In my opinion, Ayes have it.

Clause 3 is accordingly passed.

* * *

The Chairperson: Shall the enacting clause pass?

Some Honourable Members: Pass.

An Honourable Member: No.

The Chairperson: I hear a no.

The floor is open for debate.

Are there any questions?

Hearing none.

Voice Vote

The Chairperson: All those in favour of enacting clause, please say aye.

Some Honourable Members: Aye.

The Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

The Chairperson: In my opinion, Ayes have it.

Enacting clause is accordingly passed.

* * *

The Chairperson: Shall the title pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

The Chairperson: I hear a no.

The floor is open for debate.

Are there any questions?

Hearing none.

Voice Vote

The Chairperson: All those in favour of the title, please say aye.

Some Honourable Members: Aye.

The Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

The Chairperson: In my opinion, the Ayes have it.

The title is accordingly passed.

* * *

The Chairperson: Shall the bill be reported?

Some Honourable Members: Agreed.

An Honourable Member: No.

The Chairperson: I hear a no.

All those in favour—sorry, the floor is open for debate.

* (20:50)

Are there any questions?

Hearing none.

Voice Vote

The Chairperson: All those in favour of bill to be reported, please say aye.

Some Honourable Members: Aye.

The Chairperson: All those opposed, please say nay.

An Honourable Member: Nay.

The Chairperson: In my opinion, Ayes have it.

Agreed—Bill be reported.

Thank you.

Bill 17—The Workplace Safety and Health Amendment Act (Continued)

The Chairperson: Now we move to Bill 17 clause by clause.

Does the minister responsible for Bill 17 have an opening statement?

Hon. Malaya Marcelino (Minister responsible for the Workers Compensation Board): The previous government in 2018 repealed a number of standing committees across government and one of these was the Labour Minister's Advisory Council on Workplace Safety and Health. This was done against the wishes of the members of the council at the time, a council that included representatives from both employer and labour stakeholders that were vested in protecting workers.

This government is undoing that mistake and is prioritizing the safety and health of all workers. This includes the mandate to re-establish this important minister's advisory council.

In the legislated five-year review of The Workplace Safety and Health Act, the department consulted with employer and labour groups along with technical experts. Groups such as the Manitoba Employers Council, Manitoba Federation of Labour, and safety professionals Canada.

A public consultation on EngageMB was also held between August and November, 2022 and we received feedback to re-establish the advisory council.

The review committee established under the previous administration to undertake the act review has also unanimously recommended the re-establishment of the advisory council.

So, we are listening to all of these stakeholders and to the public. When the bill passes, I will select

the membership of the council from the nominations made by representative stakeholders and ensure balance. As specified in the bill, the advisory council membership will be composed of one third representing workers, one third representing employers and one third from technical and professional bodies concerned with occupational health and safety.

Employer, labour and professional groups will be asked to nominate four members each for appointment to the council. The chair would be appointed from outside these nominations.

What our government wants to achieve is to build and restore public confidence and trust in government actions by re-establishing a formal table, a table with representative groups selected by labour and employers so that, as minister, I can seek advice and get recommendations on important safety and health matters.

A cross-jurisdictional analysis across Canada shows that most other provinces and federal government—and the federal government also have a health and safety advisory council. So, by this act amendment, Manitoba would be joining the league of other jurisdictions that have the uppermost interests of safety of their workers.

I am highly interested in moving this priority mandate forward, given our government's commitment to meaningfully engage with employers, workers and other experts on workers' health and safety. We want all workers to work in safe ways and return home to their families after a hard day at work.

With these remarks, I thank the presenters today and the committee for considering this bill.

Thank you.

The Chairperson: Thank you, Minister.

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

Ms. Jodie Byram (Agassiz): Again, we know that workplace safety is important and paramount for both employers and employees, and we all want to see workers go home safely at the end of the day.

And again, just closing with a brief comment, I want to say thank you to those who made presentations here tonight regarding this.

So thank you.

The Chairperson: I thank the member.

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

Clause 1–pass; clause 2–pass; clause 3–pass; clause 4–pass; clause 5–pass; clause 6–pass; clause 7–pass; enacting clause–pass; title–pass. Bill be reported.

Thank you.

Bill 18–The Community Child Care Standards Amendment Act

The Chairperson: Now we move–clause by clause for Bill 18.

Does the minister responsible for Bill 18 have an opening statement?

Hon. Nello Altomare (Minister of Education and Early Childhood Learning): In the Throne Speech of November of 2023 we pledged to create a comprehensive strategy for recruiting and retaining early childhood educators.

A key initiative to address this workforce demand is the expansion of early childhood education and child-care assistant training programs in Manitoba's post-secondary institutions. These training expansions include the construction of innovative new learning labs that will support practical, hands-on learning experiences for post-secondary students in the field of early childhood education.

These amendments will enable the Department of Ed and Early Childhood Learning to directly fund the construction of these learning labs at public universities, colleges and the Manitoba Institute of Trades and Technology.

Once the necessary legal authority is in place, the department will flow the funding for the construction of these learning labs directly to the post-secondary institutions. These new innovative learning labs will provide practical, hands-on learning experiences for post-secondary students in the field of early childhood education, while simultaneously providing necessary child-care spaces. What an innovative idea.

Investing in comprehensive strategy for recruiting and retaining early childhood educators supports families who require child care and strengthens and expands the child-care sector in this province. This legislation will allow us to fulfill these responsibilities efficiently and effectively, and I invite members of this committee to be at these learning labs once they're constructed and fully operational.

Thank you, Mr. Chair.

The Chairperson: Thank you, Minister.

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

Mr. Grant Jackson (Spruce Woods): I want to thank the minister for bringing this forward. I especially want to thank him because this was a PC idea. The learning labs were certainly something that was discussed under the previous government and was in the planning stages with our post-secondary education institutions, and it is a great policy idea.

Some of the former PC government's good ideas have been chopped by this new government, and I'm sure the minister and I could have a lengthy debate on how many of those were good, but no one wants to sit through that tonight, so I'll simply conclude by thanking this minister for ensuring that this good PC idea wasn't one of those that hit the NDP chopping block. I look forward to visiting the learning labs at ACC and other sites when established.

Thank you very much for bringing this forward.

The Chairperson: Thank you, Mr. Jackson.

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.

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

Thank you.

Bill 202–The Community Foundation Day Act (Commemoration of Days, Weeks and Months Act Amended)

(Continued)

The Chairperson: Now we would move to clause by clause to Bill 202.

Does the bill's sponsor, the honourable member for Spruce Woods, have an opening statement?

* (21:00)

Mr. Grant Jackson (Spruce Woods): I do.

The Chairperson: Mr. Jackson.

Mr. Jackson: A pleasure to be here to be here to talk about Bill 202, The Community Foundation Day Act.

This has been a real treat for me to introduce this as my first piece of legislation, recognizing groups and organizations and, in particular, volunteers that are so integral to our rural communities and also many urban communities in the province, as well. My

knowledge of them has been expanded through the introduction and debate on this bill and the outreach through stakeholder consultations. And I've also appreciated working with my colleagues across the aisle on this bill.

The bill creates a specific day every year in our calendar year to recognize the important work of community foundations and their staff and volunteers and what they do to fill many of the gaps in our communities across the province when it comes to services and supports. So I think these folks do incredible work that does not get recognized or thanked enough, and that's why it's important that we move this bill into report stage and pass it at third reading to get it implemented.

I look forward to continuing to work with my colleagues across the aisle on those measure and ensure that every year, regardless of which side of government each party is on, we are hosting an annual day here at the Legislative Building to recognize the good work that community foundations do across our province.

Thank you.

The Chairperson: Thank you, Mr. Jackson.

Does any other member wish to make an opening statement on Bill 202?

MLA Robert Loiselle (St. Boniface): I think it's important to recognize that the 57 foundations that we have here in Manitoba form an important tapestry of who we are, how we work together, how we support each other and how integral those foundations are to Manitoba.

And likewise, they speak the diversity of our communities. Manitoba is a mosaic of different cultures, people coming from different backgrounds, from every corner of the province. And whether they are Indigenous people, Ukrainian, German, French, Métis, et cetera, it's important that we recognize the important work that all these communities are doing together through our foundations.

So I am in support of this resolution and look forward to keep on working with my friends from the other side of the aisle.

The Chairperson: Thank you, MLA Loiselle.

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.

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

Thank you.

So that concludes the list of the bills that I had.

The hour being 9:03, what's the will of the committee?

Some Honourable Members: Rise.

The Chairperson: Committee rise.

COMMITTEE ROSE AT: 9:03 p.m.

WRITTEN SUBMISSIONS

Re: Bill 10

I am writing as a concerned Manitoba in connection with Bill 10, "The Advanced Education Administration Amendment Act". The first amendment where 'post-secondary institutions will be required to make public the periodic reviews of their sexual violence policies' is of no concern. However, the second proposed change is very concerning where 'if the Minister unilaterally decides a post-secondary institution is not in compliance with its duty to create and enforce sexual violence policies, she could single-handedly reduce the institution's grant to nil'. What standards should be met for a post-secondary institution to avoid this fate that will grind almost all of its operation to a halt? Do our trainees need to be punished?

Take, for example, that the University of Manitoba (UM) already makes this sort of information publicly available, including the reports at the bottom of this page: <https://umanitoba.ca/sexual-violence>. The UM is governed by a Board that is majority-run by government appointees, the same individuals responsible for implementing sexual violence policies on UM campuses. What would prevent the Minister from using the majority of government-appointed Board's failure to implement and enforce sexual violence policies on UM campuses as justification to revoke the entirety of the UM's provincial funding?

I support fully that post-secondary education institutions remain free of violence of any kind; however, what our NDP government is proposing will not fix those problems.

Bill 10 seeks to decrease university autonomy paving way for more government interference in the operations of post-secondary institutions. Bill 10 is an egregious encroachment on University autonomy.

I implore the Committee in charge of Bill 10 to consider the following points:

1) The need to improve sexual violence prevention has to be met with increased funding and not the opposite.

- Survivors of sexual violence need support and government funding to prevent further sexual violence from happening.

2) Evidence of need for changes has not been provided.

- It is prudent to first consult students, student unions, faculty, or faculty unions at the province's post-secondary institutions before proposing changes to Bill 10.
- Following consultation, The Minister can explain why this enforcement mechanism is necessary and what problem it would solve

3) Evidence that changes will reduce sexual violence or aid survivors of sexual violence has not been provided.

- The Minister has to provide evidence that revoking or threatening to revoke all or part of a post-secondary institution's provincial grant will be an effective way to get administrators of these institutions to better reduce incidents of sexual harassment and sexual violence on campus, or to better remediate the workplace and learning environment when incidents happen.
- The proposed legislation fails to include any provisions outlining how compliance will be assessed or how decisions can be appealed—it only states that the Minister can reduce a grant to zero.
- There is the issue of adequacy of staff in government to do this work. The Minister has to provide evidence that the government has the infrastructure to properly review and understand the inner workings of the provinces' post-secondary institutions.

4) There are regulations in place on anti-harassment and anti-violence.

- The Safety and Health Act and Regulations of Manitoba require that all public and private sector employers have anti-harassment and anti-sexual violence policies in place. Under the Safety and Health Act, failure to implement sexual violence policies first results in an order to put a policy in place. Egregious violations of the Act result in a

first fine of up to \$500,000 for a first offence, and up to \$1,000,000 for subsequent offences. The proposed legislation in Bill 10 is out of proportion with reasonable measures to ensure the safety of staff and students where The Minister can single-handedly claw back all of the post-secondary institution's government grant.

- Take, for example, that the University of Manitoba (UM) is already accountable to the public through the UM's Board of Governors. The same Board is responsible for ensuring that the UM has an enforceable sexual violence policy in place. Since government appointees make up a majority of this Board, failure of the Board to implement or enforce a given policy, The Minister could look into replacing these appointees from the Board of Governors.

5) There are risks associated with elimination of all public funding to post-secondary institutions.

- The legislation does not provide the extent to which grants can be clawed back from a post-secondary institution's funding. It is entirely up to the Minister. The risks are high if a post-secondary institution has lost a major operating grant from the government. The consequences include shutting down many operations without knowledge of when they will be up and running again.

Trust Beta

Re: Bill 10

Improvements to sexual violence prevention needs increased funding, not funding reductions.

The government should be providing additional funding to post-secondary institutions to support survivors of sexual violence and prevent sexual violence from happening, not taking funding away.

No evidence of need for changes.

The changes proposed in Bill 10 come without first consulting students, student unions, faculty, or faculty unions, and with only minimal consultation with the administrations of the province's post-secondary institutions.

There has been no justification given for the proposed amendments, other than that an enforcement mechanism is necessary. The Minister has not explained why this enforcement mechanism is necessary, what problem it would solve, or who has

asked for the changes, even when asked directly to provide this information (see pages 22-26).

No evidence changes will reduce sexual violence or aid survivors of sexual violence.

The Minister has provided no evidence that revoking or threatening to revoke all or part of a university's provincial grant is an effective way to get university administrators to better reduce incidents of sexual harassment and sexual violence on campus, or to better remediate the workplace and learning environment when incidents happen.

The Minister has stated that government staff, rather than the Minister, will rule on an institution's compliance with the sexual violence policy provisions of the Advanced Education Amendment Act. However, the proposed legislation does not include any provisions outlining how compliance will be assessed or how decisions can be appealed – it only states that the Minister can reduce a grant to zero.

Further, there isn't enough staff in government to do this work: in 2020 the Auditor General of Manitoba (see page 41) reported that there were not enough staff in government with knowledge of the province's post-secondary sector to perform adequate oversight of the sector. The report revealed that prior to the NDP government's dissolution of the Council of Post-Secondary Education (COPSE—which acted as an arm's length oversight body) 17 staff people were responsible for overseeing PSE in Manitoba. In 2020 there were only 5 such staff positions, and several of them were vacant. There is no evidence that this staffing trend has been reversed. This means that the government does not have the infrastructure to properly review and understand the inner workings of the provinces' universities.

Regulations already in place on anti-harassment and anti-violence.

Manitoba's Safety and Health Act and Regulations already require that all public and private sector employers have anti-harassment and anti-sexual violence policies in place. The 'enforcement mechanisms' in place in this legislation are far more reasonable than what is being proposed for post-secondary institutions. Under the Safety and Health Act, failure to implement sexual violence policies first results in an order to put a policy in place; egregious violations of the Act result in a first fine of up to \$500,000 for a first offence, and up to \$1,000,000 for subsequent offences. The grant to the UM in 2022-2023 was over \$423,000,000, all of which could be clawed back at the direction of a single Minister

under the proposed legislation, without providing any justification. What's being proposed in Bill 10 is out of proportion with reasonable measures to ensure the safety of staff and students.

The University of Manitoba is already accountable to the public through the University's Board of Governors. Among other things, the Board is responsible for ensuring that the UM has a sexual violence policy in place, and that it is enforced. Government appointees make up a majority of the Board, with 12 of 23 seats filled by community members chosen by the government. If the government believes the Board is failing to implement or enforce a given policy, it could replace its appointees on the Board of Governors. Instead of making the Board more accountable, with this legislation the government proposes to collectively punish the entirety of the University community for the failures of the Board by revoking the entirety of government financial support for the University.

Risk of eliminating all public funding to post-secondary institutions.

The legislation places no limits on the amount a post-secondary institution's grant could be reduced—the grant could be completely eliminated at will by the Minister. At the UM, the University grant made up just under 50% of the university's operating budget in 2022-2023, for a total of over \$423 Million (see page 15).

Mohamad Hasan Kadhim

Re: Bill 10

Boost funding for sexual violence prevention; don't slash it!

It's disappointing, to say the least, that the proposed amendments in Bill 10 offer no clear justification or consultation with stakeholders. There is no evidence they'll actually reduce violence or support survivors. Existing regulations are more reasonable, and if updates are required there is due process that is not so 'knee-jerk' and damaging. It is infuriating to be threatened with punitive measures that would be devastating for students and the university community without proper oversight in the process. The risk of completely eliminating public funding from universities is alarming and unjust.

Alia Lagace

Re: Bill 10

Dear Honourable Renée Cable,

I am an Associate Professor at the University of Manitoba in the Department of Community Health Sciences and a member of the University of Manitoba Faculty Association (UMFA). I'm writing to oppose Bill 10: The Advanced Education Administration Amendment Act, which will be discussed on May 13, 2024. While I understand the importance of ensuring safe and inclusive environments within our post-secondary institutions that are free from sexual violence, I have reservations about the potential implications of the proposed amendments.

I appreciate the government's commitment to addressing issues of sexual violence on university campuses. As an individual and a member of UMFA, we are also deeply committed to ending all forms of sexual violence in and beyond post-secondary educational settings. However, the proposed legislation does not provide a feasible or justified pathway for addressing these complex issues.

One of our primary concerns is the potential for undue interference in the autonomy of post-secondary institutions. The proposed provision granting the Minister the authority to unilaterally reduce or revoke an institution's operating grant is a clear overreach. This approach is contrary to the assurances provided during the election period and continues the damaging and strained legacy of our previous provincial governments.

I am disappointed that the ministry did not consult students, student organizations, faculty members, faculty unions, or the administrations of any of the province's post-secondary institutions in developing these amendments. Consulting with our communities would reveal the importance of stable and growing funding to enable us to continually monitor and evolve our sexual violence prevention approach as well as to provide high quality and reliable services for survivors when our efforts fail.

While we support efforts to enhance sexual violence prevention measures, we question the efficacy of punitive measures such as grant reductions in achieving this goal. There is no evidence that adding a unilateral enforcement mechanism will reduce sexual violence on our campuses nor will it aid survivors of sexual violence. In an era where evidence-based policy making has become more important than ever, any major changes to policy and

practice must be informed by substantial and rigorous research.

I respectfully urge you to reconsider the proposed amendments and prioritize collaborative approaches that uphold the autonomy of post-secondary institutions while effectively addressing issues of sexual violence. UMFA remains committed to constructive engagement on this matter and is eager to contribute to the development of solutions that prioritize the safety and well-being of our university communities.

Thank you for your consideration,

Christine Kelly, PhD

Associate Professor, Department of Community Health Sciences
University of Manitoba

Re: Bill 10

I'm R.J. Leland, an Ethics Professor in the Philosophy Department at the University of Manitoba. I'm writing to raise serious concerns about Bill 10, (an amendment to the Advanced Education Administration Act).

I share the goal that all students be able to attend my institution and other post-secondary education institutions in our province, in an environment free from sexual violence. As a result, I support Bill 10's requirement that institutions publicly share the results of their mandatory sexual violence policy reviews. But the Bill's proposal to render all public funding for higher education subject to removal in the event that the minister finds the institution has failed in its obligations with respect to a sexual violence policy is deeply misguided. It ought to be eliminated. In what follows, I raise five significant concerns with the proposed legislation.

First, the idea that (potentially massive) reduction of public funds would serve the interests of students is mistaken. Depriving an already underfunded post-secondary education sector of more funds is not the way to serve the interests of our province's current and future students. Nor is it consistent with the minister's own obligation, imposed by the Advanced Education Administration Act, to promote academic excellence and affordability. If institutions are not complying with their obligations, the government should say so, which I have not it do. Then, we should find ways of ensuring compliance and reduction in sexual violence that don't involve slashing post-secondary funding.

Second, and relatedly, the bill should be rejected because there are other means of ensuring compliance with the minister's understanding of the requirements imposed on post-secondary institutions. At my own University, the government appoints a majority of the members on the board of governors. As far as I know, the same is true at other public post-secondary institutions in the province. As a result it seems to me the threat of total funding withdrawal is unnecessary—simply appoint board members with the correct understanding of the requirements and set them to work ensuring compliance with the sexual violence policy. If this particular proposal is deficient for reasons I haven't anticipated, there must surely be other means of enforcing institutional obligations that don't involve the threat of defunding higher ed.

Third, the Bill's provision for removal of any amount of funding whenever the minister understands of institutions to have violated their responsibilities is potentially disproportionate and objectionably vague. Objectionably vague because no substantive explanation is made of what compliance must look like. Potentially disproportionate because massive removals of funding are not appropriate responses to minor violations by institutions.

Fourth, there are serious problems with the process that led to Bill 10, alongside the substance-based concerns raised above. Based on conversations with colleagues and reporting in the Winnipeg Free Press, I understand Bill 10 to have been put forward without any consultation of my own University's administration, and without consulting the Manitoba Organization of Faculty Associations. This is bad policy making. Government making changes to higher education policy ought to consult the people who take part in the education of our province's students and the administration of post secondary institutions. This failure of consultation is also at odds with the minister's obligation, imposed by Advanced Education Administration Act to respect the autonomy of post-secondary institutions. We have had a recent history of government meddling in heavy handed ways with university governance. Now is the time to change course on that front, rather than continuing more of the same.

Fifth, even if this government plans to use this kind of power responsibly, we don't have any reason to expect that future governments will do the same. Empowering ministers with disproportionate powers that can be exercised on vague grounds is not a way to foster a healthy university over the long term. And the success of this Bill may well open the door to

successors that impose similar penalties, based on future government's preferred visions of post-secondary education. That's not a way to foster an independent and excellent system of higher education in Manitoba.

To sum up:

1. the threat of draconian budget cuts is not in the interest of any members of our university community;
2. there are alternate means of securing compliance with institutions sexual violence-related obligations;
3. the Bill's penalty is potentially disproportionate, with objectionably vague criteria for implementation;
4. the government failed in it's obligations to consult stakeholders and respect university autonomy in the way it put forward the Bill; and
5. the precedent set by the bill is dangerous for the province's higher education sector.

Again, I wholeheartedly endorse the goal of preventing any sexual violence in Manitoba's educational sector. No member of our community should have to worry about enduring sexual violence while attending or working at a University, College, or other post-secondary institution. But the kind of vague and clumsy threat imposed by Bill 10, exhibiting disrespect for the independence of universities and a lack of concern with proper consultation processes, is not a sensible way to promote the goal of a safer post-secondary environment.

R.J. Leland

Re: Bill 10

I am writing in opposition to Bill (No. 10)—The Advanced Education Administration Amendment Act / Loi modifiant la Loi sur l'administration de l'enseignement postsecondaire.

It is my view that this bill, if passed into legislation, will infringe unnecessarily on the autonomy of Manitoba universities. Moreover, I believe that the government has much better mechanisms already in place to ensure that [pst secondary institutions in this province enforce policies to prevent sexual and gender-based violence and harassment on Manitoba campuses.

The Minister of Advanced Education and Training has tabled legislation that would enable her to unilaterally revoke the entirety of the operating grant money a

post-secondary institution receives from the Province. This runs directly contrary to the election promises made by the NDP to the Manitoba Organization of Faculty Associations that a new government would reverse the erosion of university autonomy implemented by the Pallister Conservatives.

Bill 10: The Advanced Education Administration Amendment Act has been tabled without consulting students, student unions, faculty, faculty unions, or the administrations of any of the province's universities. The Minister has provided next to no justification for introducing the legislation. This is disappointing, to say the least, given the promises made during the election.

If passed into law, this legislation would give the Minister the power to decide, unilaterally, whether a post-secondary institution was in compliance with its duty to create and enforce sexual violence policies. If she decided it was not, she could unilaterally reduce the institution's grant to nil.

The legislation makes no mention of what standard would have to be met in order for a post-secondary institution to avoid this fate, making the effects of this amendment impossible to predict.

The Government already has the power to ensure that post secondary institutions comply with the requirement to have such policies. Universities and colleges are governed by Boards in which the majority are government appointees. These Boards are responsible for implementing and enforcing sexual violence policies on their campuses. If a university or college is not in compliance, the Government has the power to remove its appointees from the institution's Board and replace them with appointees who will ensure compliance. This is a much more efficient and effective way to ensure that post secondary institutions comply with the requirement, much more so than the threat of revoking provincial funding.

I agree entirely with the intention of this Bill, to ensure that Manitoba's post secondary institutions create and enforce sexual violence policies and to ensure that our campuses are safe places for students, staff, and faculty. Indeed, my labour union, the University of Manitoba Faculty Association, has been highly critical of the UM administration's track record on preventing sexual harassment and sexual violence. The Association has been openly critical of the UM's attempts at repairing the learning and working environments when sexual harassment and sexual violence does happen on campus.

However, this proposed legislation will not correct those problems, but will encroach egregiously on universities' and colleges' autonomy.

Sincerely,

Julie Guard, PhD
Professor of History and Labour Studies,
University of Manitoba

Re: Bill 10

I am a Professor in the Philosophy Department at the University of Manitoba. I'm writing to raise a number of serious concerns about Bill 10, (an amendment to the Advanced Education Administration Act). (My letter almost entirely mirrors Prof. Leland's, sent earlier today.)

I share the goal that all students be able to attend my institution and other post-secondary education institutions in our province, in an environment free from sexual violence. As a result, I support Bill 10's requirement that institutions publicly share the results of their mandatory sexual violence policy reviews. But the Bill's proposal to render all public funding for higher education subject to removal in the event that the minister finds the institution has failed in its obligations with respect to a sexual violence policy is deeply misguided. It ought to be eliminated. In what follows, I raise five significant concerns with the proposed legislation.

First, the idea that (potentially massive) reduction of public funds would serve the interests of students is mistaken. Depriving an already underfunded post-secondary education sector of more funds is not the way to serve the interests of our province's current and future students. Nor is it consistent with the minister's own obligation, imposed by the Advanced Education Administration Act, to promote academic excellence and affordability. If institutions are not complying with their obligations, the government should say so, which I have no objection to. In such a case, we should find ways of ensuring compliance and reduction in sexual violence that don't involve slashing post-secondary funding.

Second, and relatedly, the bill should be rejected because there are other means of ensuring compliance with the minister's understanding of the requirements imposed on post-secondary institutions. At my own University, the government appoints a majority of the members on the board of governors. As far as I know, the same is true at other public post-secondary

institutions in the province. So it seems to me the threat of total funding withdrawal is unnecessary—simply appoint board members with the correct understanding of the requirements and set them to work ensuring compliance with the sexual violence policy. If this particular proposal is deficient for reasons I haven't anticipated, there must surely be other means of enforcing institutional obligations that don't involve the threat of defunding higher ed.

Third, the Bill's provision for removal of any amount of funding whenever the minister understands of institutions to have violated their responsibilities is potentially disproportionate and objectionably vague. Objectionably vague because no substantive explanation is made of what compliance must look like. Potentially disproportionate because massive removals of funding are not appropriate responses to minor violations by institutions.

Fourth, there are serious problems with the process that led to Bill 10, alongside the substance-based concerns raised above. Based on conversations with colleagues and reporting in the Winnipeg Free Press, I understand Bill 10 to have been put forward without any consultation of my own University's administration, and without consulting the Manitoba Organization of Faculty Associations. This is bad policy making. Government making changes to higher education policy ought to consult the people who take part in the education of our province's students and the administration of post secondary institutions. This failure of consultation is also at odds with the minister's obligation, imposed by Advanced Education Administration Act to respect the autonomy of post-secondary institutions. We have had a recent history of government meddling in heavy handed ways with university governance. Now is the time to change course on that front, rather than continuing more of the same.

Fifth, even if this government plans to use this kind of power responsibly, we don't have any reason to expect that future governments will do the same. Empowering ministers with disproportionate powers that can be exercised on vague grounds is not a way to foster a healthy university over the long term. And the success of this Bill may well open the door to successors that impose similar penalties, based on future government's preferred visions of post-secondary education. That's not a way to foster an independent and excellent system of higher education in Manitoba.

To sum up:

1. the threat of draconian budget cuts is not in the interest of any members of our university community;
2. there are alternate means of securing compliance with institutions sexual violence-related obligations;
3. the Bill's penalty is potentially disproportionate, with objectionably vague criteria for implementation;
4. the government failed in it's obligations to consult stakeholders and respect university autonomy in the way it put forward the Bill; and
5. the precedent set by the bill is dangerous for the province's higher education sector.

Again, I wholeheartedly endorse the goal of preventing any sexual violence in Manitoba's educational sector. No member of our community should have to worry about enduring sexual violence while attending or working at a University, College, or other post-secondary institution. But the kind of vague and clumsy threat imposed by Bill 10, exhibiting disrespect for the independence of universities and a lack of concern with proper consultation processes, is not a sensible way to promote the goal of a safer post-secondary environment.

Chris Tillman

Re: Bill 10

I'm Robert Shaver, an Ethics Professor in the Philosophy Department at the University of Manitoba. I'm writing about Bill 10.

Bill 10 would allow the minister to cut all public funding to the University if the minister believes that the University has not upheld its sexual violence policy. Although it would be right to penalise the University in some way, why choose this way, which, if exercised, could cause most students and faculty to leave? (Consider what tuition might need to be.) Other threats, which would not penalise students and faculty, are possible, e.g., sack the President. Why can't the Board, mainly appointed by the government, oversee this? What violation would it take for the minister to make cuts? Why wasn't the University consulted first? What might happen if a Conservative government, keen on further defunding, were in power? How is this consistent with the autonomy of

the University? Why focus on sexual violence policy, and not on other possible shortcomings?

Bill 10 does not seem well-considered.

Robert Shaver

Re: Bill 10

Dear members of the legislature, my name is Dr Ariane Hanemaayer, and I'm here to represent Brandon University Faculty Association. With the association, I serve as VP Equity, and I am also an Associate Professor in the Department of Sociology and Gender and Women's Studies Program.

Starting from a place of positionality, I sympathize with the intent of this Bill. As a survivor of sexual assault, I understand that Bill 10 is meant to hold universities in Manitoba to account of their provincially mandated sexual violence policies. This accountability is an important part of protecting students on our campuses. What concerns BUFA is not the intention, but rather other matters, which this Bill, we believe, will not be but need to be addressed in its current form.

This Bill places a great deal of power into the hands of the Office of the Min. of Advanced Training. The NDP, in campaigning in the last election, made commitments to repeal 2.2 of Bill 33, which gave this office powers that threatened university autonomy. What this new bill has proposed, however, increases the powers of just one office. It gives the power of the office the extraordinary ability to withhold funding from universities if they fail to comply with the legislation. This Bill would further entrench the threats to university autonomy, and fail to make good on commitments that many of us supported by offering our time knocking on doors and campaigning for the NDP in the last election.

BUFA was also not consulted about this Bill or its language. As faculty members, we are often the front lines, where students raise their concerns about their well-being and safety on campus. In 2021, when the soccer coach was accused of sexual misconduct, three of my students came to me to discuss the situation and provide feedback about how BU's sexual violence and education policy was being implemented and not (at the time of our conversations). If this Bill had already been in place, I question whether it would have

incentivized our administration in the way that the bill intends. In 2021, students were given false information about which policies they could access for their own protection and due process, which served the institution's interests in keeping face and protecting its reputation in athletics as well as nationally. Students were not provided the information about our sexual violence policy when they first raised their concerns to the administration. From this example, we do not believe that mandating compliance through Bill 10 would further encourage the administration to use their own policies. Publicly report these incidents, is not likely, in our view.

Counter-factuals and past experiences aside, one of the key issues BUFA has with Bill 10 is the mechanism of compliance proposed. Retracting funds will punish the university, as a whole, yes, but it will also punish the students—the very same students who may have already survived such an assault, and the very people this Bill intends to protect. Where BUFA believes this Bill would be more effective in terms of its intent and its objectives, is to instead hold administrators to account when they have failed to uphold their policies. The Legislative Assembly mandates the post-secondary sector to have a sexual violence policy, and oversight of this policy is meant to be by the board of governors, many of whom are appointment by your office. Currently, this is not the case. The board of governors does not reprimand our administration when these situations arise, and there have been incidences where BUFA has identified where policies are not followed. It is, instead, BUFA that grieves institutions on their failure to properly follow or implement policies. This is one way that current labour relations hold administrators to account. Another possibility could be to have another oversight from the legislature itself, which your Bill could mandate in lieu of funding penalties. Administrators have responsibilities. They must be held accountable when they fail to exercise their duties in a responsible manner, which includes our sexual violence policies. Where BUFA holds the BU Administration to account on behalf of the faculty employees, we believe that there could be a place for the Minister of Advanced Training to hold the administration to account of their policies—those very same policies mandated by the province to protect students.

In closing, BUFA disagrees is with the expansion of the office of the Minister's powers without due process or public review. We also urge the minister to

reconsider the solutions proposed. Punish those responsible for failures in policy implementation—the administration, not the students or faculty, whose experience and work on campus is funded by provincial operating grants. Also, we urge you to consult with and rely on your Faculty Associations who are on the ground, listening to students, and through labour action holding their employers to account. We know our institution. We know our students. We know sexual violence (both through experiential and professional knowledge). Going forward we are ready to collaborate with your office—our knowledge and our actions can help you achieve what you are trying to accomplish.

We also hope that our statement today remind the Minister of her party's commitments to repeal 2.2 of Bill 33.

Dr Ariane Hanemaayer
Brandon University Faculty Association

Re: Bill 202

Bill 202 naming April 26 as Community Foundation Day in Manitoba

Please accept this correspondence as speaking for Bill 202, Community Foundation Day April 26 introduced by MLA Grant Jackson of the Sprucewoods Constituency.

As a Founder and chair of the Rivers and Area Community Foundation we wholeheartedly support the passing of this Bill.

Celebrating a yearly Community Foundation Day means celebrating the valuable work that not for profit and charitable groups do to contribute to the success of our communities. From the donors to the volunteers of all ages, genders, nationalities for sharing and supporting their organizational goals. Together these groups make up the social framework of our communities. Every year within the Province of Manitoba Community Foundations act as leaders in their communities to help them grow and move forward by providing millions of dollars for various projects, not for profits and charitable organizations. All this to make our communities "we call home" feel supported and sustainable.

This will be the day to recognize the hard work of the people that make up those Community Foundations and the Foundations themselves that continue to help our communities grow. It provides assistance to all in working towards the common goal of strengthening our province by working together.

Manitobans continue to make a difference!

Thank you,

Donna Morken
Chair – Rivers and Area Community Foundation

Re: Bill 202

Good Morning. I had registered to speak online regarding Bill 202 but unfortunately my schedule has changed. I am sending this written submission with the hope you receive this—please confirm.

Manitoba has the largest number of Community Foundations per capita in Canada with 57. Manitoba is also home to Canada's oldest Foundation with The Winnipeg Foundation established over 100 years ago.

Those Foundations have been established by communities where the residents had the foresight to create an opportunity to improve the quality of life of where they live, work and play.

Community Foundations easily allows individuals, couples, families, businesses and community groups or organizations the opportunity to give back to their community. The endowment model within Foundations means that all gifts are forever held and invested with a portion of the interest earned given back annually by way of scholarship & bursaries to graduating students at the local high school and by way of grants to local community groups or organizations for various projects that improve communities.

Without this financial support some students may not be able to afford to go on to post-secondary education. And the many community projects undertaken may never come to fruition without the financial support of grants from the local Foundation.

Those Foundations are led by hundreds of volunteers. Volunteers that are supporting other community volunteers. Many of those Foundations are supported by the Winnipeg Foundation who helped to create Endow Manitoba. Endow Manitoba's primary objective is to support the growth and development

of the foundations in Manitoba—the Foundation movement.

The creation of Foundation Day in Manitoba supports the Foundation movement in our Province. But more importantly, it validates the work of many volunteer community members from across Manitoba within Community Foundations. It draws attention to the ongoing good works by Manitobans for Manitobans.

Fully support this initiative and would encourage others do the same.

With appreciation.

Reg Black
President
Brokenhead River Community Foundation
<https://brcfoundation.ca/>

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

<http://www.manitoba.ca/legislature/hansard/hansard.html>