

First Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Justice

Chairperson
Ms. Marilyn Brick
Constituency of St. Norbert

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON JUSTICE

Tuesday, October 23, 2007

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)

VICE-CHAIRPERSON – Ms. Flor Marcelino (Wellington)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Messrs. Bjornson, Lemieux, Hon. Ms. McGifford

Ms. Brick, Mr. Dewar, Mrs. Driedger, Messrs. Dyck, Maguire, Ms. Marcelino, Mr. Saran, Mrs. Stefanson

APPEARING:

Mr. Kevin Lamoureux, MLA for Inkster

WITNESSES:

Bill 6–The Adult Literacy Act

Ms. Lorri Apps, Literacy Partners of Manitoba
Ms. Evelyn Peterson, Elmwood GOAL Adult Literacy Program

MATTERS UNDER CONSIDERATION:

Bill 6–The Adult Literacy Act

Bill 8–The Public Schools Amendment Act (Regional Vocational Schools)

Bill 14–The Government Purchases Amendment Act (Responsible Manufacturing)

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Clerk Assistant (Ms. Tamara Pomanski): Good evening. Will the Standing Committee on Justice please come to order.

Your first item of business is the election of a Chairperson. Are there any nominations for this position?

Mr. Gregory Dewar (Selkirk): I nominate Ms. Brick.

Clerk Assistant: Ms. Brick has been nominated.

Are there any other nominations?

Seeing none and hearing none, Ms. Brick, will you please take the Chair.

Madam Chairperson: Good evening. Will the Standing Committee on Justice please come to order.

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

Mr. Dewar: I nominate Ms. Marcelino.

Madam Chairperson: Ms. Marcelino has been nominated.

Are there any other nominations?

Hearing no other nominations, Ms. Marcelino is elected Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 6, The Adult Literacy Act; Bill 8, The Public Schools Amendment Act; Bill 14, The Government Purchases Amendment Act.

We have two presenters registered to speak this evening as follows: Lorri Apps, Literacy Partners of Manitoba; and Evelyn Peterson, Elmwood Community Resource Centre.

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with the staff at the entrance of the room.

Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

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

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

I would like to inform all in attendance of the provisions in our rules regarding the hour of adjournment. Except by unanimous consent, a standing committee meeting to consider a bill in the evening must not sit past midnight to hear presentations unless fewer than 20 presenters are registered to speak to all bills being considered when the committee meets at 6 p.m. There are two people registered to speak to these bills at the time the meeting commenced. Therefore, according to our rules, this committee may sit past midnight to hear presentations.

How late does the committee wish to sit tonight?

Mr. Dewar: I'm suggesting, Madam Chairperson, that we sit here until we deal with all the bills before the committee.

Madam Chairperson: Is that agreed? *[Agreed]*

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the *Hansard* recorder to turn the mike on and off. Thank you for your patience.

Bill 6—The Adult Literacy Act

Madam Chairperson: We will now proceed with public presentations.

I will now call on Ms. Lorri Apps to speak to the Literacy Partners, but prior could the minister please join us at the table.

Is Ms. Lorri Apps from Literacy Partners here?

Good evening. Do you have written copies of your presentation?

Ms. Lorri Apps (Literacy Partners of Manitoba): No, I'm sorry I don't.

Madam Chairperson: That's fine. Please proceed with your presentation.

Ms. Apps: Why does Literacy Partners of Manitoba support The Adult Literacy Act? First, we are the provincial coalition. Our membership includes adult learners, individuals, social agencies, libraries, education facilities including schools, literacy programs, adult learning centres, universities, businesses and industry.

The board of directors comes from across the province with expertise in the areas of adult education, health, industry, immigration and library service. So we have a natural interest in this legislation.

It is our belief that literacy is a human right, that literacy is everyone's business, and that all Manitobans have a part to play.

Two years ago, Literacy Partners developed a literacy strategy steering committee with a broad range of stakeholders represented. The work of this committee was completed, following input from literacy practitioners and learners, in May of this year. This legislation will support the findings of this committee.

The minister of literacy and Advanced Education—and we always put literacy first—by introducing this act is ensuring input from a broad base of stakeholders to develop a new creative literacy strategy in the province, opening the door for collaboration among the many government departments who deal with the impacts of low literacy, hereby demonstrating leadership in tackling fundamental issues such as health, housing, incarceration, unemployment or low-wage employment, to name a few.

And three: Establishing the Manitoba Adult Literacy program to create long-term support, including funding to agencies offering literacy instruction.

We thank Minister McGifford for demonstrating leadership with this bill and for recognizing that the first step to advanced education is basic literacy.

Thank you.

Madam Chairperson: We thank the presenter for the presentation.

Do members of the committee have questions for the presenter?

Hon. Diane McGifford (Minister of Advanced Education and Literacy): Madam Chair, I don't really have a question, but I'd just like to take the opportunity and, I think, on behalf of us all, to thank you, Lorri, for coming tonight and sharing your words. I really wanted to particularly thank you for suggesting the wide-ranging importance of literacy. I think it's easy to forget sometimes that literacy is important to health, into health, to one's social well-being, so thank you, very much, for bringing that to our attention.

Floor Comment: Thank you.

Madam Chairperson: Thank you.

Mrs. Myrna Driedger (Charleswood): I would just like to reiterate the comments of the minister, too, in terms of recognizing the significance of what your program does in Manitoba and the very, very important work that we have ahead of us in terms of addressing the literacy issue in Manitoba. Seeing, certainly, the huge list of people involved within your organization, I think, brings a level of expertise to the issue.

I'm glad to see, more and more, that the area of literacy seems to be acknowledged more and growing more. I credit your organization for ensuring that the issue is out there. As the minister just said, it certainly is accurate to say that we have to look at it in many different facets, you know, just in the terms of the quality of one's life, as well as in the work environment as well. Lots of work to do, but congratulations on the good work that your organization does.

Floor Comment: Thank you very much.

Madam Chairperson: Seeing no other questions, we thank you very much for your presentation.

The committee calls Evelyn Peterson from the Elmwood Community Resource Centre.

Do you have copies you would like to have distributed?

Ms. Evelyn Peterson (Elmwood GOAL Adult Literacy Program): I do.

Madam Chairperson: We'll get a page to help you.

You can proceed.

* (18:10)

Ms. Peterson: Good evening. I am here representing the Elmwood GOAL Adult Literacy Program. I thought I had some learners here tonight. Our goal is to educate them about the government process, but also encourage them to stand up for the things that are important to them in their lives.

I bring greetings to you from our executive director, Ingrid Zacharias, of Elmwood Community Resource Centre and Area Association. Ms. Zacharias was unable to attend tonight and has asked me to come in her place.

This leads to me to why I stand before you this evening. The literacy bill being presented for second reading tonight has been described as a fairly well-written, broad-based and very much open-to-interpretation type of bill by my colleagues in the literacy world. Therein is where our concerns arise. No matter how well a bill is written, it is always open to interpretation by the government in power at the time. We have concerns that this government or a future provincial government may choose to interpret the bill in its own way. With the environment in Canada constantly changing, our Canadian-born population is not growing, and so we must rely on newcomers to fill the gaps in our labour force. We realize that newcomers will need to learn English, and as a result, will begin with EAL classes, English as an Additional Language, graduate into literacy programs and then into adult learning centres.

Our concern is that, with the government wanting to increase immigration to 20,000 people per year over the next several years, hard decisions will need to be made by government about how its resources are spent. With those tough decisions, we anticipate the government beginning to say that only people who will be actively seeking employment will be allowed to attend our literacy programs.

This leaves a whole segment of our population without the right to enhance existing literacy levels. Seniors who may have struggled with literacy their entire lives or seniors who come to our country already a senior would not be eligible for literacy programs after completion of their EAL programs, which means we sentence them to a life of isolation because of their reduced literacy levels. People with physical disabilities who live on a disability pension would also not be eligible for literacy upgrading should this situation come to pass. This would also mean increased isolation for the disabled as well as

the loss of the right to better oneself despite any personal daily challenges.

We know that government knows it needs newcomers to keep our economy growing, but has government budgeted and planned for the literacy needs of our new Canadians? Should a future government decide that only individuals who will be employment-ready may attend literacy programs, there will be a huge impact on our society, with the most vulnerable persons in our society falling by the wayside because they are not entitled to attend literacy programming.

What we are asking then is that, in the second reading of the literacy bill, you as legislators make certain that there is no room for misinterpretation of the intent of this bill. We ask you to look at the wording of this bill with a fine-toothed comb and to look to the future and anticipate all possible actions that might occur as a result of the present wording.

Thank you for listening to this presentation. A number of our learners have expressed concern about the future of literacy. That is why this presentation was made to you. Remember to think of the vulnerable when discussing this bill. Manitoba is the first province to entrench literacy into law. For that we thank you. Please make sure that this government leaves a positive legacy on literacy through this bill for generations to come.

Madam Chairperson: Thank you very much.

Ms. McGifford: I thank you, Ms. Peterson, for your presentation and I would really like to allay your fears. The purpose of the legislation, in fact, is to protect the vulnerable and to encourage the teaching of literacy and not in any way to impose any restrictions. I have been an educator for a good part of my life. I do believe, as Lorri Apps from Literacy Partners put it, that literacy is a human right. I can give you the assurance of myself on behalf of government that we are committed to literacy as a human right, and I do want to alleviate your fear.

Ms. Peterson: Thank you.

Madam Chairperson: Ms. Peterson, do you want to stay there for a minute, please?

Mrs. Driedger: I'd like to thank Ms. Peterson for her comments tonight. Those are comments I have heard from others in the community as well and just to assure you, I guess, from our perspective, that as we watch this bill unfold and look at the regulations that will be put into place, that is one of the things we

will be watching for, too, because, as I said, there have been others expressing similar concerns to what you have, so thank you very much for your presentation.

Mr. Kevin Lamoureux (Inkster): I did have one question for you, Ms. Peterson—

Madam Chairperson: Mr. Lamoureux, could you move your mike a little closer, please?

Mr. Lamoureux: Sure. Not too often am I accused of being too quiet.

An Honourable Member: There's a first time for everything, Kevin.

Mr. Lamoureux: There is this time.

The question I have is in regard to demand for the current services. You talk about the future concerns that you might have. Individuals, in particular let's say the immigrant community, do you feel that there are currently enough resources to meet the current demand for literacy programming?

Ms. Peterson: I'm not sure I'm prepared to answer that question. I'm just learning about the EAL programs already in existence.

Mr. Lamoureux: If someone was in your area and they were wanting to be able to learn to read and write, would you have a problem in terms of being able to accommodate them, if you had two or three people approach you today?

Ms. Peterson: At this point, no. At this point, we are in a position to accommodate them to the best. Yes.

Mr. Lamoureux: Similar with Lorri, I appreciate the time you take to make your presentation, and we look forward to the bill ultimately passing. We'll see what happens. I appreciate your cautionary notes. Thank you.

Madam Chairperson: Thank you, Ms. Peterson.

That concludes the list of presenters I have before me.

Are there any other persons in attendance who wish to make a presentation?

Seeing none, that concludes public presentations.

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

Mr. Gregory Dewar (Selkirk): As listed on the Order Paper.

Madam Chairperson: Is that agreed? *[Agreed]*

During the consideration of a bill, the table of contents, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, for the longer bills I 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]*

In what order does the committee wish to proceed with clause-by-clause consideration of these bills? *[interjection]* Yes.

We will now move to Bill 6.

Bill 6—The Adult Literacy Act

Madam Chairperson: Does the minister responsible for Bill 6 have an opening statement?

Hon. Diane McGifford (Minister of Advanced Education and Literacy): I, of course, have introduced this bill twice at first reading and twice at second reading, so I don't really have an opening statement. I think everybody is quite familiar with the contents of the bill.

I do want to make the point that we in Advanced Education and learning, of course, regard literacy as the absolute foundation for a continuum of education programming and we're extremely committed to literacy. I point out that funding for literacy has doubled since 1999, and I see that as a very open and visible sign of our commitment to literacy.

Thank you, Madam Chair.

Madam Chairperson: We thank the minister.

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

Mrs. Myrna Driedger (Charleswood): My comments are already on the record, so I won't take any time to put any opening comments on the record, other than what I've already indicated. But I do have a couple of questions for the Minister of Advanced Education.

Madam Chairperson: Just prior to that, I'm going to ask the minister if she would like to bring her staff up to the table.

Ms. McGifford: Yes, please. I have staff members here.

* (18:20)

Madam Chairperson: Mrs. Driedger, did you want to ask questions at this point, or did you want to go through as the clauses are being called?

Mrs. Driedger: No, I just have a couple of questions, so if I could ask them now it would probably expedite the process.

Madam Chairperson: Sure.

Mrs. Driedger: It's clarification that I would ask of the minister, and it was information that we accessed on the Web site of Literacy Partners of Manitoba. It's in reference to access to adult literacy programs indicating, and I would ask for clarification from the minister, in 2003, it indicated a budget of \$1.3 million for literacy, and in 2007, it indicated a budget of \$1.4 million for literacy. Would these numbers be accurate?

Ms. McGifford: With regard to the Web site for Literacy Partners of Manitoba, since Lorri Apps is here, the member may wish to speak to her at a suitable time.

I do want to say that the literacy funding for 2007-2008 was \$2.04 million; a little bit more than that, I'm just rounding it off.

Mrs. Driedger: Can the minister confirm then that the numbers for '03 at 1.3 and '07 at 1.4, those would be accurate then? Then the minister indicated in '08 it went up to 2.04. Am I interpreting all of this correctly?

Ms. McGifford: We don't have the budget for '03 with us, but I did indicate the budget for—that was '07-08.

Mrs. Driedger: So, when the minister indicated that her government has doubled the funding to literacy centres from 1999, could she indicate what that amount was in 1999, and then, what it is specifically today?

Ms. McGifford: We're looking for those figures in our files here. We don't have 1999 figures with us tonight.

Mrs. Driedger: Considering that the minister has put it on the record that her government has doubled that funding, I would ask if she could undertake to provide me with the specific year-to-year funding from 1999 to 2008, if she could.

Ms. McGifford: Well, we certainly could supply that research, but the member could also take a look herself.

Mrs. Driedger: Seeing as the minister made the assertions, I would like to see what her numbers reflect.

Ms. McGifford: I've already undertaken to supply the member with the numbers.

Mrs. Driedger: I'd like to thank the minister for that.

Madam Chairperson: Clauses 1 through 4—pass; clause 5—pass; clauses 6 through 8—pass; clause 9—pass; clauses 10 through 12—pass; table of contents—pass; preamble—pass; enacting clause—pass; title—pass.

Shall the bill be reported?

Mr. Kevin Lamoureux (Inkster): Just one quick question to the minister. Can the minister indicate to the committee if it's her government's intent that anyone that requires adult literacy programs will be, in fact, guaranteed the opportunity to participate in a course?

Ms. McGifford: Yes. Currently, that is the practice that persons who wish to enrol in adult literacy programs are welcome to enrol in adult literacy programs.

Mrs. Driedger: Just to follow up on that then, it's my understanding that there are a number of waiting lists out there for people to access.

Can the minister indicate what those numbers might be if she has access to how many people are on a waiting list to get into a literacy program and are unable to?

Ms. McGifford: I'm told that programs have just started and wait lists are not as of yet available.

Mrs. Driedger: When they are available, and I'm assuming they'll be in the near future, I wonder if the minister could provide us with what those waiting lists would be and for what centres.

Ms. McGifford: Yes, we can certainly provide what is reported to us when it's available.

Madam Chairperson: Seeing no other questions, shall the bill be reported? *[Agreed]*

The bill shall be reported.

Bill 8—The Public Schools Amendment Act (Regional Vocational Schools)

Madam Chairperson: Could the minister responsible for The Public Schools Amendment Act please join me at the table.

The minister would like to have his staff join him up at the table.

Does the minister responsible for Bill 8 have an opening statement?

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Actually, no, Madam Chair. We've raised this twice in the House now and we're prepared to proceed.

Madam Chairperson: We thank the minister.

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

We thank the member.

Clauses 1 and 2—pass; clauses 3 and 4—pass; enacting clause—pass; title—pass. Bill be reported.

We thank the minister and the critic.

Bill 14—The Government Purchases Amendment Act (Responsible Manufacturing)

Madam Chairperson: Would the minister responsible for Bill 14 please join me at the table, The Government Purchases Amendment Act.

Could the minister's staff please join us at the table.

Does the minister responsible for Bill 14 have an opening statement?

Hon. Ron Lemieux (Minister of Infrastructure and Transportation): No, I do not at this time. Thank you.

Madam Chairperson: We thank the minister.

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

* (18:30)

Mr. Larry Maguire (Arthur-Virden): Madam Chair, I just have a couple of comments to put on the record in regard to Bill 14, The Government Purchases Amendment Act (Responsible Manufacturing). That is around the fact that this bill was brought forward in the previous session of government in regard to a bill that talked about

purchasing of government clothing only, and this bill doesn't relate to government purchasing of clothing at all. It doesn't have those words at least in it in the amendment side of it, and it does refer to, in section 7(1), Purchasing rules: "All purchases of goods made under authority of this Act are subject to the following rules."

I know I've talked to the minister in our preamble to this bill, and his response to it was that it is solely based on clothing, not even including footwear. He was very specific on that. So I just put that cautionary note forward that perhaps, if there are other products coming down the line, we might have concerns with it, depending on what they are. We have no concerns with the fact that goods should be purchased from reliable suppliers. The fact that we don't support sweat shops, forced labour, or child labour, any of those areas, is a given. That's what I'm assured by the minister that this bill is there to protect against.

The certification process, however, is one that he has even indicated that they are presently using, which makes me wonder why we need the bill. But I know that there have been some contracts that they've indicated to me have already been tendered and accepted. The companies accepting the process have signed certificates to the effect that they comply, that the products they are supplying on the contract, to the best of their knowledge, are not produced in any of these types of facilities.

With that, this bill introduces a new term called "compliant bid." I had a concern about the word "imposed" in section 2(a) of it, but that's just a normal part of a tender, I believe the minister has assured me. His staff did a great job of briefing us on this as well, and I want to thank them for that.

But, also, the term—I think the one concern that I have to express that has been expressed to me, as I expressed to the minister before, was that the term under Responsible manufacturer policy, 7(2), that the minimum fair labour practices prescribed by the regulation in this process was a concern of some companies that, because of the government's track record in regard to if you're a forced, a unionized company you need only apply to projects like the floodway, that they did not want to be caught in a situation where minimum fair labour practices, a definition could be assumed to be only open to unionized companies as well. The minister has certainly been very clear, he has made it clear to myself and other people publicly that that is not the

case, that everyone can apply, and that this is not a bill to deal with only unionized companies applying, and that the minimum fair labour practices—I know that's quite a comfort to some of those people who have seen the other actions of the government in other areas. But they've indicated to me—I'm quite satisfied with the fact that that's what the minister has indicated.

I want to say, as well, that the certification process is one that we will continue to monitor. I'm assuming that there will be no problems. The minister has indicated that it's a tune of about \$1.3 million to \$1.6 million worth of clothing that would be purchased a year, and this only applies to contracts over \$50,000 worth of purchases, I believe—or \$5,000, I will make a correction on that.

With that, Madam Chair, I think we can move forward. The only last concern that I'd like to talk about is the area under section 7(1), Purchasing rules, the lowest tender, of course, where the tender states that the lowest price shall get it, that the lowest price is the criterion for winning that bid. On all other contracts in other cases, the compliant bid has to be stacked up against the highest rating of equivalent in evaluation criteria set out in the request for tenders. The minister has assured me that the level of evaluation process is based on the fair minimum labour practices, which, of course, come from the International Labour Organization rules. Those are the ones that he's assured me will be utilized in regard to any purchases under this bill.

So, with that, we'd be willing to proceed.

Madam Chairperson: We thank the member.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clauses 5 and 6—pass; enacting clause—pass; title—pass.

Shall the bill be reported?

Mr. Kevin Lamoureux (Inkster): In second reading, I had asked the minister if he'd be able to get to me some information in regard to I believe it was the T-shirts for Hydro Spirited Energy, where they might have come from. We were talking about the government purchases. Did he get a chance to—

Mr. Lemieux: I did mention to the member that I wasn't aware of where that purchase necessarily was made, but I understand it was the department that made it. It didn't necessarily go through us. Many departments are able to buy or purchase their own goods. Essentially, that's the answer.

Mr. Lamoureux: If you were to apply the principles of this—

Madam Chairperson: Mr. Lamoureux, I'm sorry, you'll have to bring your mike back towards you.

Mr. Lamoureux: If you were to apply the principles of this legislation to the purchasing of things like T-shirts, promo T-shirts, and the example I would use would be the Spirited Energy from a Crown corporation, would they be able to purchase a T-shirt that would be made in China in a sweat shop situation?

Mr. Lemieux: Well, I thank the member for the question. I would have to say I would want to have the opportunity to look into that, and I'll certainly get back to the member about it.

Mr. Maguire: Yes. Just a question to the minister in regard to the determination that goods have been made in accord with fair labour practices, can he just indicate to us what he feels is meant by those minimum fair labour practices?

Mr. Lemieux: Well, yes. The ILO, or the International Labour Organization, has basic

standards of human rights and under practices that—for example, child labour and so on. It's something that is recognized worldwide. These are basic tenets of human rights, and essentially that's what it's based on.

Mr. Maguire: Just for the record, I know he's indicated it, but can he assure me that all companies, unionized or non, will be able to apply for these tenders?

Mr. Lemieux: Well, any vendor, unionized or non-unionized, can make bids as long as they meet the minimum labour standards.

Madam Chairperson: Seeing no other questions, shall the bill be reported? *[Agreed]*

Bill be reported.

The time being 6:38, what is the will of the committee?

Some Honourable Members: Committee rise.

Madam Chairperson: Committee rise. Thank you.

COMMITTEE ROSE AT: 6:38 p.m.

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