



MANITOBA REGULATORY ACCOUNTABILITY REPORT

Manitoba government
Regulatory Accountability Secretariat

SEPTEMBER 2021

ABOUT THE REGULATORY ACCOUNTABILITY SECRETARIAT

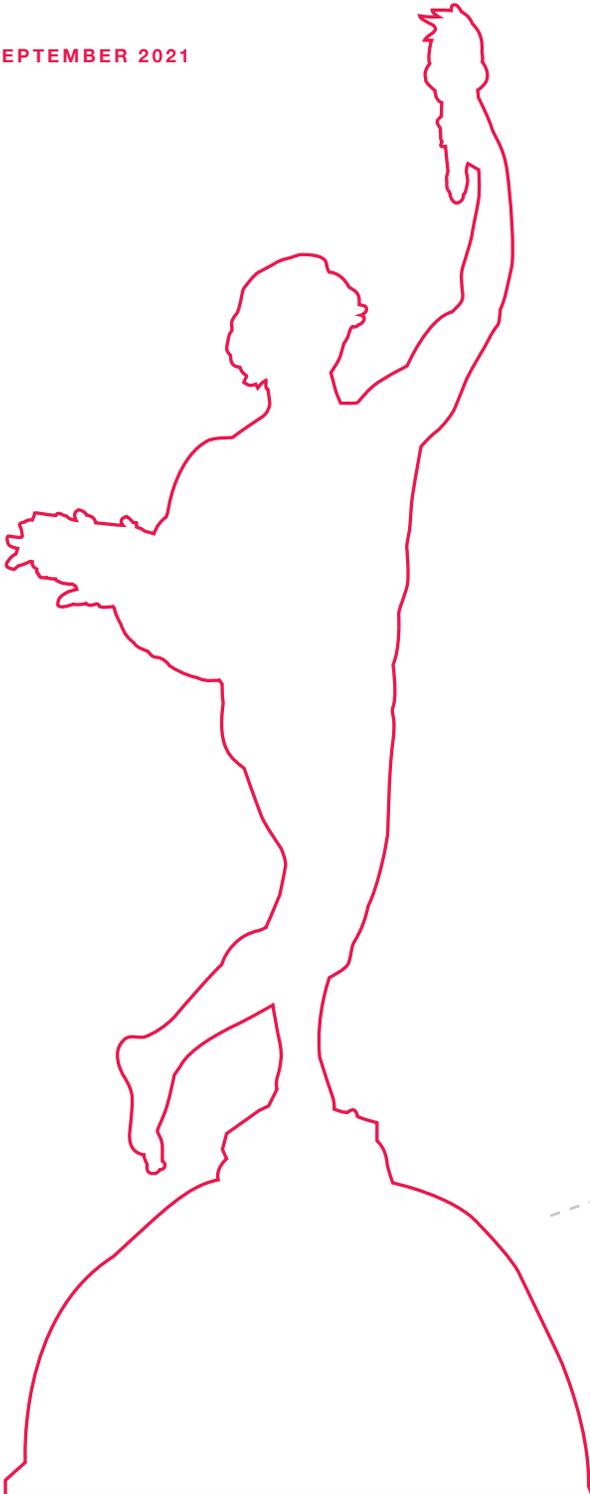
The Secretariat provides analytical and decision-making support to the Regulatory Accountability Committee of Cabinet, the Cabinet committee responsible for the modernization of regulatory development and red tape reduction practices across government. The Secretariat resides in the Department of Legislative and Public Affairs, which was created in January 2021.

REGULATORY ACCOUNTABILITY PRINCIPLES

The Regulatory Accountability Act establishes a robust framework for managing regulatory requirements and enhancing regulatory accountability in Manitoba.

Manitoba's framework stands on seven principles, articulated in *The Regulatory Accountability Act*, to guide and provide a foundation upon which effective, consistent, impartial and transparent regulatory accountability based:

- ▶ **Achieving balance** – The contribution of regulatory requirements to desired public policy outcomes must be weighed against the costs and burdens they impose upon the economy and society
- ▶ **Identifying the best option** – Public policy needs must be clearly defined and the best response must be chosen, based on a thorough exploration and analysis of the range of options (including those that do not result in regulatory requirements)
- ▶ **Assessing impacts** on the public and stakeholders is essential to comparing options and minimizing burdens
- ▶ **Consulting and communicating** with the public and stakeholders are crucial, giving them a voice and input into the development of regulatory requirements
- ▶ **Regulatory requirements are to be regularly reviewed** to determine their continued relevance or effectiveness vis-à-vis desired public policy objectives, and whether the benefits continue to justify the regulatory costs and burdens
- ▶ **Monitoring regulatory requirements requires accurate measurements** of their number and their costs and burdens
- ▶ **Streamlining design** so that duplication and inconsistencies are eliminated between regulatory requirements



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1. Year at a Glance

In 2020-2021, the COVID-19 pandemic had a major impact on Manitoba and the provincial government's response had to be quick and effective to mitigate its effects. Manitoba's modern regulatory system was up to the challenge, enabling the development and review of regulatory changes at an accelerated pace for government decision-making.

Throughout the pandemic, the health, economic, environmental and social needs of Manitobans were of paramount importance when reviewing regulatory changes. Departments and government agencies demonstrated agility in modifying regulatory requirements to meet public health order mandates while keeping true to the principles of regulatory accountability, such as reducing regulatory burden.

These pandemic response changes included:

- eliminating overlapping licensing requirements
- accepting e-signatures and electronic documents
- allowing virtual meetings in certain cases where requirements mandate in-person meetings
- allowing remote witnessing of documents.

While the focus of 2020-2021 was responding to the pandemic, the Manitoba government remained committed to its long term goal of removing unnecessary regulatory requirements and the administrative burden they create. Actions undertaken by departments and government agencies throughout the fiscal year reduced the government-wide number of regulatory requirements from 869,428 to 863,107, which is a reduction of 6,321 (0.7%).

Including the 2020-2021 reduction, regulatory requirements have been reduced by 98,890 since the April 1, 2016 baseline (a decrease of 10.3%).

Achievements illustrated in this report show that progress on regulatory accountability and reducing red tape can support all Manitobans through challenging times. As Manitoba recovers from the COVID-19 pandemic, enhancing regulatory accountability and reducing red tape will be critical to building a sustainable, resilient and prosperous future for all Manitobans.

In 2020-2021, departments and government agencies reduced the total number of regulatory requirements across the Manitoba government by **6,321**.

Regulatory Requirement is an action or piece of information that is required to access programs or services, carry on business, or meet legal responsibilities under provincial legislation, regulation, policy or forms. It serves as a key performance indicator in reducing red tape as well as in promoting regulatory accountability.

L'année en un coup d'œil

En 2020-2021, la pandémie de COVID-19 a eu un effet majeur sur le Manitoba; le gouvernement provincial a dû réagir rapidement et efficacement pour en atténuer les effets. Le système de réglementation moderne du Manitoba, qui était prêt à relever le défi, a permis d'élaborer et d'examiner des modifications réglementaires à un rythme accéléré aux fins des processus décisionnels du gouvernement.

Tout au long de la pandémie, les besoins sanitaires, économiques, environnementaux et sociaux des Manitobains ont revêtu une importance capitale pendant l'examen des modifications réglementaires. Les ministères et les organismes gouvernementaux ont fait preuve d'agilité dans la modification des exigences réglementaires afin d'assurer la conformité aux consignes des décrets de santé publique tout en respectant les principes de la responsabilisation en matière de réglementation, notamment la réduction du fardeau réglementaire.

Les modifications découlant de la réponse à la pandémie comprennent :

- ▶ l'élimination du chevauchement des exigences en matière de délivrance de permis;
- ▶ l'acceptation de documents et de signatures électroniques;
- ▶ l'autorisation de tenir des réunions virtuelles dans certains cas où les réunions en personne étaient obligatoires auparavant;
- ▶ l'autorisation de certifier à distance l'authenticité de documents.

Même s'il s'est concentré sur la réponse à la pandémie en 2020-2021, le gouvernement du Manitoba est resté déterminé à réaliser son but à long terme d'éliminer les exigences réglementaires inutiles ainsi que le fardeau réglementaire et administratif qu'elles créent. Des mesures prises par les ministères et les organismes gouvernementaux pendant l'exercice financier ont réduit le nombre d'exigences réglementaires à l'échelle du gouvernement de 869 428 à 863 107, ce qui représente une réduction de 6 321 (0,7 %).

Compte tenu de la réduction de 2020-2021, le nombre d'exigences réglementaires a été réduit de 98 890 depuis la date de référence du 1er avril 2016 (une baisse de 10,3 %).

Les réalisations décrites dans le présent rapport montrent que les progrès concernant la responsabilisation en matière de réglementation et la réduction des lourdeurs administratives peuvent aider tous les Manitobains pendant les périodes difficiles. À mesure que le Manitoba se remettra de la pandémie de COVID-19, l'accroissement de la responsabilisation en matière de réglementation et la réduction des lourdeurs administratives seront essentiels au développement d'un avenir durable, résilient et prospère pour toute la population du Manitoba.

En 2020-2021, les ministères et les organismes gouvernementaux ont réduit de **6 321** le nombre total d'exigences réglementaires à l'échelle du gouvernement du Manitoba

Une obligation administrative est définie comme une mesure ou une démarche qui doit être prise, ou comme des renseignements qui doivent être fournis pour accéder à des services, faire des affaires ou s'acquitter de ses responsabilités légales en vertu d'une loi, d'un règlement, d'une politique ou d'un formulaire provincial. Les obligations administratives constituent un important indicateur de rendement pour réduire les formalités administratives et promouvoir la responsabilisation en matière de réglementation.

2. Accomplishments

REGULATORY RESPONSE TO THE COVID-19 PANDEMIC

Departments and government agencies responded innovatively and with agility to the pandemic on Manitoba through timely and effective regulatory changes. Temporary regulatory changes are being reviewed for the purpose of identifying those which, from a regulatory accountability standpoint, make good sense and should be made permanent.

Making these temporary changes permanent requires the use of Manitoba's regulatory development tools and processes including *Regulatory Accountability Impact Analysis*. Proposed changes to regulations will be posted on the *Manitoba Regulatory Consultation Portal* for public feedback.

Regulatory responses to the pandemic that reduced regulatory burden include:

- ▶ Extending licences for child care operators so early childhood educators could continue offering child care in their facilities and homes for families who need it
- ▶ Providing greater flexibility for local governments by providing alternative provisions for notice-posting and meeting processes
- ▶ Extending deadlines for applications for the farmland school tax rebate
- ▶ Introducing measures to allow electronic meeting attendance, delivery of notices and voting by virtual means for credit unions, co-operatives and condominium corporations
- ▶ Suspending in-person commissioning and witnessing provisions related to oaths, affirmations, statutory declarations, health-care directives, powers of attorney, land titles documents and wills
- ▶ Extending marriage licences and marriage commissioner appointments to mitigate the need to reapply for ceremonies that were delayed due to the pandemic



Regulatory accountability is achieved when provincial rules and requirements realize desired public policy outcomes in the most efficient and effective manner without compromising health and safety or essential economic, environmental and social objectives.



REGULATORY ACCOUNTABILITY TOOLS AND TECHNIQUES

- ▶ **Manitoba’s Regulatory Accountability Database** is a comprehensive information system that is used to create, modify, remove, track and report on regulatory requirements; it is continually enhanced to support the needs of the Regulatory Accountability Committee of Cabinet and enable departments and government agencies to efficiently carry out actions for regulatory accountability
- ▶ **Stakeholder and Public Engagement** — Departments and government agencies ensure that all of their forms and policies are made publicly available on the *Manitoba Forms and Policies Portal* as required by *The Regulatory Accountability Act*; proposed regulations are posted for a minimum 45 day period

on the *Manitoba Regulatory Consultation Portal*, and include information on the reasons for the regulatory action, and the estimated costs and benefits on the public and stakeholders. Comments submitted through the Portal are incorporated into the regulatory development process by departments and government agencies

- ▶ **Red tape reduction** — The *Reducing Red Tape and Improving Services Act* made it easier for departments and government agencies to make changes to statutes for the purposes of eliminating red tape and improving services
- ▶ **Development of employee skills** — A concerted effort was undertaken in 2020-2021 to train Manitoba public servants to optimize their use of the *Regulatory Accountability Database*, *Regulatory Accountability Impact Analysis*, and other technologies, tools and processes

REDUCING REGULATORY REQUIREMENTS AND ADMINISTRATIVE BURDEN

From April 1, 2020 to March 31, 2021, departments and government agencies reduced the total number of regulatory requirements across government by 6,321. Departments and government agencies also modernized systems which significantly reduced the administrative burden on stakeholders and government without removing regulatory requirements. Examples of successful projects that achieved these outcomes include:

Manitoba Central Services shifted to primarily electronic bids to enable a more efficient process for respondents to prepare and submit bids, eliminating the need for mail and courier services.



Red tape is regulatory requirements that are not achieving their intended outcome or not doing so efficiently. Not all regulatory requirements are red tape.

Manitoba Conservation and Climate unveiled a new e-licensing system that allows the purchase and printing of park vehicle permits from home. Since its launch in April 2020 until March 31, 2021 more than 86,000 park vehicle permits were sold using the new online system.

Manitoba Finance introduced a temporary relief Order allowing *Listing Agreements* and *Offers to Purchase* for single family residences and condominiums to be signed electronically. The department also began accepting a wide range of Companies Office documents electronically, and made regulatory changes to allow retailers to open on Sundays and holidays, which eliminated more than 40 regulatory requirements and saved Manitoba retail business owners an estimated \$42 million in administrative burden per year.

The Office of the Superintendent–Pension Commission implemented electronic payment which reduced logistical challenges and costs associated with printing and filing hard-copy information on returns and payments.

Manitoba Health and Seniors Care discontinued overlapping licensing and regulation of aeromedical attendants and air ambulance pilots as they are regulated by health profession regulatory colleges and licensed by Transport Canada.

Manitoba Infrastructure implemented electronic documents such as digital bonds and digitally signed contracts which reduces processing time, paper use and administrative tasks.

Manitoba Justice made changes to allow for the witnessing of legal documents remotely, while maintaining their validity as legal documents. In another project, the department reduced red tape for businesses that provide vehicle towing and impoundment services by removing the necessity of seeking a court order to obtain vehicle owner contact information from Manitoba Public Insurance Corporation to give notice to vehicle owners.

Manitoba Public Insurance Corporation launched a new online auction system that offers an easily-accessible process for customers to view, bid, and purchase salvage and total loss vehicles. The transition to the new online system resulted in the elimination of 88 regulatory requirements and provided significant time savings for customers and corporation staff. In a separate initiative, the Corporation merged three forms used to process direct bank deposits for customers and businesses, which resulted in the elimination of 54 regulatory requirements.

Manitoba Municipal Relations made regulatory changes that allow qualifying municipalities to issue building permits and inspect farm buildings within their boundaries. The department introduced online payments for trades licences that provides clients with around-the-clock flexibility in renewing their licences.

PAN-CANADIAN COOPERATION

Manitoba works with other federal, provincial and territorial governments in addressing unnecessary and burdensome regulations that hinder interprovincial trade and labour mobility to the detriment of business, consumers and the general public.

Manitoba is an active member of the *Regulatory Reconciliation and Cooperation Table (RCT)*, a federal-provincial-territorial body established by the *Canadian Free Trade Agreement* to oversee the regulatory reconciliation process and promote regulatory cooperation across Canada. The work of the *Regulatory Reconciliation and Cooperation Table* provides input and support to the *Council of the Federation* and supports the Minister-level *Committee on Internal Trade*.

Over the last three years, Manitoba participated in the successful negotiation of nine regulatory reconciliation agreements under the RCT in areas including technical safety, occupational health and safety, transportation, construction codes, and corporate registration and reporting. In addition, Manitoba is working with other jurisdictions to ensure that regulatory cooperation is undertaken in emerging policy areas such as the testing of autonomous vehicles and mandatory entry-level training for truck drivers.

Manitoba also participates in:

- ▶ the *New West Partnership Trade Agreement*, which involves Canada's four western provinces working together to enhance trade, investment and labour mobility
- ▶ the Standards Council of Canada's *Provincial-Territorial Advisory Committee*, which Manitoba currently chairs, that advises and makes recommendations regarding standardization issues from the perspective of provincial and territorial governments, and leads activities that support regulatory accountability and cooperation through the use and promotion of standards
- ▶ forums such as the federal-provincial-territorial *Committee on Regulatory Governance and Reform* and the *Community of Federal Regulators*, where regulatory issues are discussed and information shared about good regulatory practices

Reducing red tape for stakeholders strengthens the provincial economy, improves services for Manitobans and helps decrease costs for stakeholders and government. Manitoba's efforts in regulatory accountability have received positive feedback and support from stakeholders.

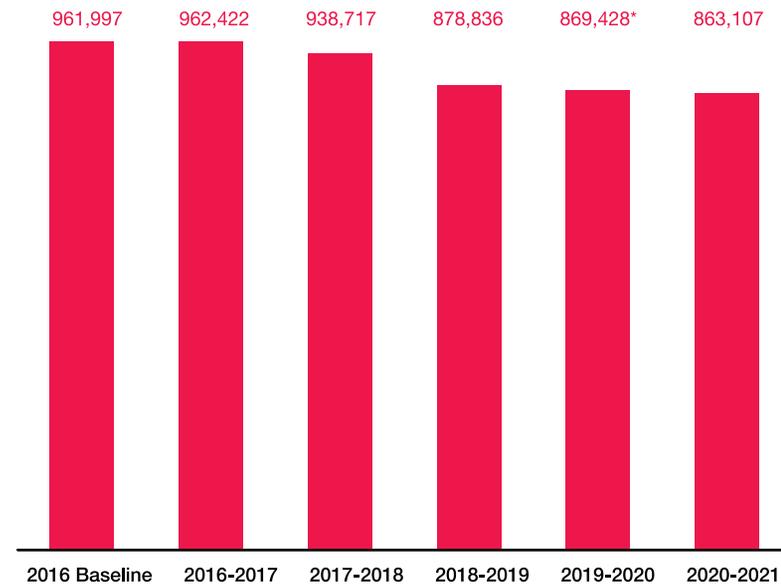


3. Statistical Results

From April 1, 2020 to March 31, 2021, departments and government agencies reduced the total number of regulatory requirements across government by 6,321. This reduced the government-wide number of regulatory requirements from 869,428 to 863,107 (a reduction of 0.7%).

Chart 1 shows the total number of regulatory requirements across the Manitoba government by fiscal year from the April 1, 2016 baseline to 2020-2021. There has been an overall reduction of 98,890 regulatory requirements since the baseline (a reduction of 10.3%).

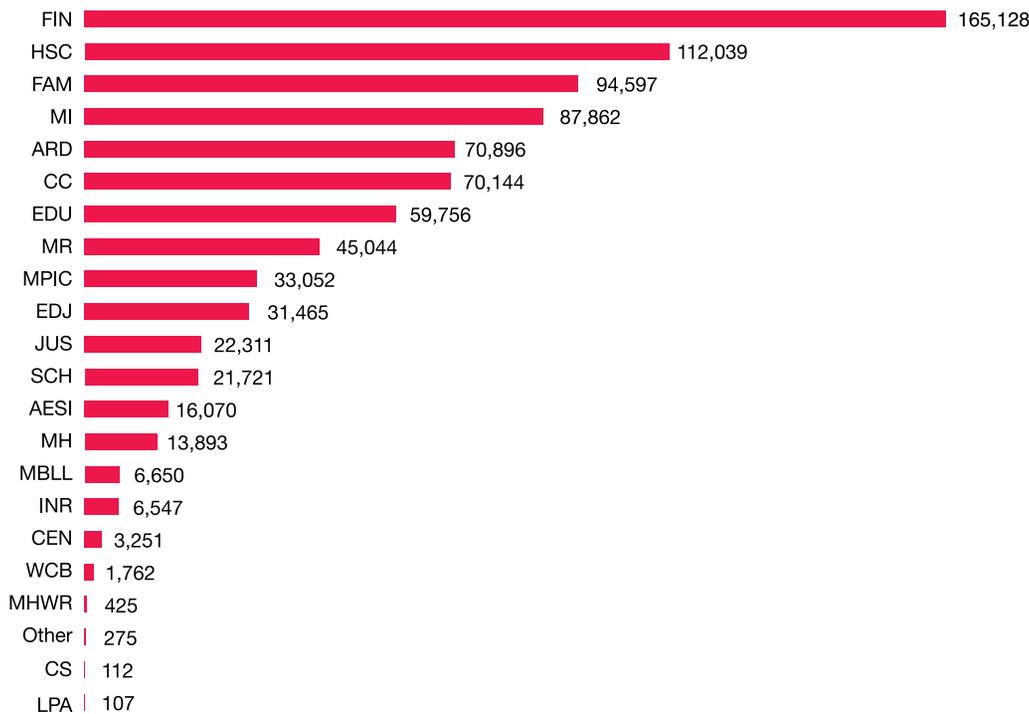
Chart 1 - Regulatory Requirements by Fiscal Year



* The 2019-2020 total reflects a data revision of -1,745 regulatory requirements.

Chart 2 shows the total number of regulatory requirements held by departments and government agencies at the end of 2020-2021.

Chart 2 - Regulatory Requirements by Department and Government Agency as of March 31, 2021 *



* 'Other' includes regulatory requirements for instruments assigned to a Minister rather than to a department or government agency. CSC and IGA did not report any regulatory requirements in 2020-2021.

ACRONYMS FOR SELECT DEPARTMENT AND GOVERNMENT AGENCY NAMES

AESI	Advanced Education, Skills and Immigration
ARD	Agriculture and Resource Development
CEN	Central Services
CSC	Civil Service Commission
CC	Conservation and Climate
CS	Crown Services
EDJ	Economic Development and Jobs
EDU	Education
FAM	Families
FIN	Finance
HSC	Health and Seniors Care
INR	Indigenous and Northern Relations
MI	Infrastructure
IGA	Intergovernmental Affairs and International Relations
JUS	Justice
LPA	Legislative and Public Affairs
MH	Manitoba Hydro
MBLL	Manitoba Liquor and Lotteries Corporation
MPIC	Manitoba Public Insurance Corporation
MHWR	Mental Health, Wellness and Recovery
MR	Municipal Relations
SCH	Sport, Culture and Heritage
WCB	Workers Compensation Board of Manitoba

Table 1 - Changes in Regulatory Requirements by Manitoba Department and Government Agency in 2020-2021

Manitoba Department and Government Agency*	Net Change** (excluding transfers)	Percentage Change***
Advanced Education, Skills and Immigration	-52	-0.32%
Agriculture and Resource Development	-728	-0.76%
Central Services	0	0.00%
Conservation and Climate	0	0.00%
Crown Services	0	0.00%
Economic Development and Jobs	-95	-0.09%
Education	0	0.00%
Families	-758	-0.76%
Finance	15	0.01%
Health and Seniors Care	-2,218	-2.00%
Indigenous and Northern Relations	0	0.00%
Infrastructure	0	0.00%
Justice	0	0.00%
Legislative and Public Affairs	0	0.00%
Manitoba Hydro	-1,040	-3.84%
Manitoba Liquor and Lotteries Corporation	-183	-2.66%
Manitoba Public Insurance Corporation	-1,163	-3.27%
Mental Health, Wellness and Recovery	0	0.00%
Municipal Relations	-99	-0.22%
Sport, Culture and Heritage	0	0.00%
Workers Compensation Board of Manitoba	0	0.00%
Total	-6,321	-0.73%

Table 1 shows how departments and government agencies performed in eliminating regulatory requirements in 2020-2021.

In terms of changes in the total number of regulatory requirements, Manitoba Health and Seniors Care, Manitoba Public Insurance Corporation, Manitoba Hydro, and Manitoba Families realized the largest changes.

On a percentage change basis, Manitoba Hydro, Manitoba Public Insurance Corporation, and Manitoba Liquor and Lotteries Corporation performed the best. Most departments and government agencies did not meet Manitoba's "Measuring Progress" *Balanced Scorecards* target of a 2.5% annual reduction in regulatory requirements due to needing to divert resources to respond to the COVID-19 pandemic.

* CSC and IGA did not report any regulatory requirements in 2020-2021.

** Net change is calculated by combining new and eliminated regulatory requirements (excluding transfers).

*** Percentage change is calculated by dividing the net change by the number of regulatory requirements as of April 1, 2020. Percentage change for newly created departments (AESI, LPA, and MHWR) is calculated by dividing the net change by the number of regulatory requirements as of March 31, 2021.

As shown in Chart 3, as of March 31, 2021, 82% of the total number of regulatory requirements in the Manitoba government were contained in forms and policies.

The share of total regulatory requirements in forms decreased by about three percentage points since the baseline count in April 2016, and the share of total regulatory requirements in regulations increased by about two percentage points.

The share of total regulatory requirements in statutes and policies has not shown significant change since the baseline count.

Chart 3 - Share of Regulatory Requirements by Instrument Type as of March 31, 2021

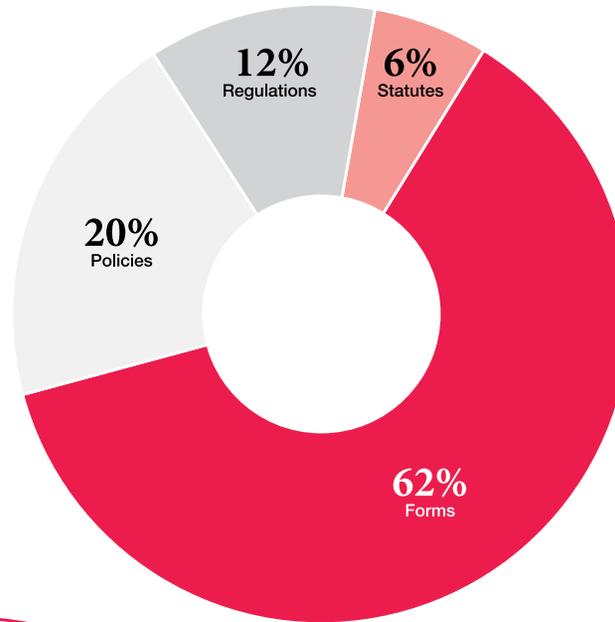
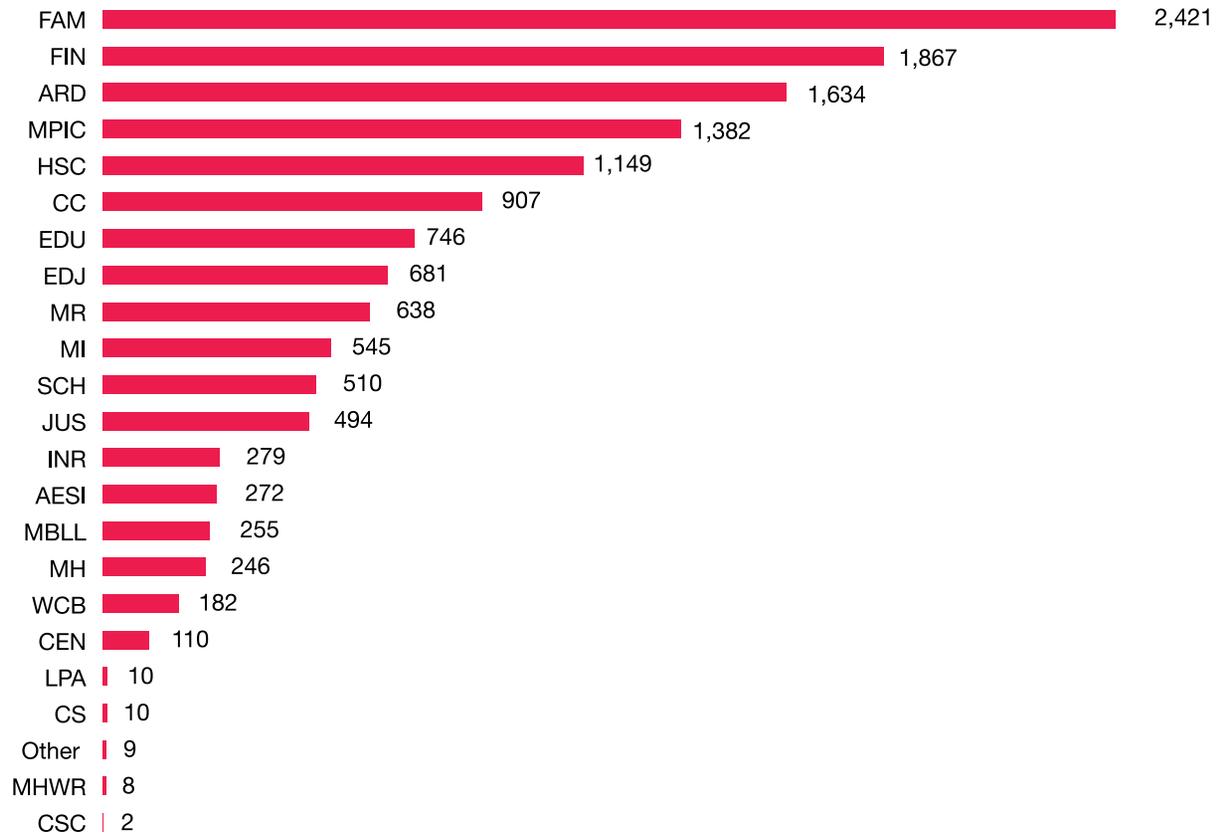


Chart 4 shows the total number of regulatory instruments within statutes, regulations, policies and forms by Manitoba departments and government agencies as of March 31, 2021. Manitoba Families, Manitoba Finance, Manitoba Agriculture and Resource Development, Manitoba Public Insurance Corporation, and Manitoba Health and Seniors Care account for about 60% of the total number of regulatory instruments in the Manitoba government.

Throughout the year, regulatory instruments and their requirements were transferred as a result of government reorganization. For further details, see Appendix 3 – Regulatory Requirement Transfers Carried Out in 2020-2021.

Chart 4 - Regulatory Instruments by Department and Government Agency as of March 31, 2021 *



* 'Other' includes regulatory instruments assigned directly to ministers.

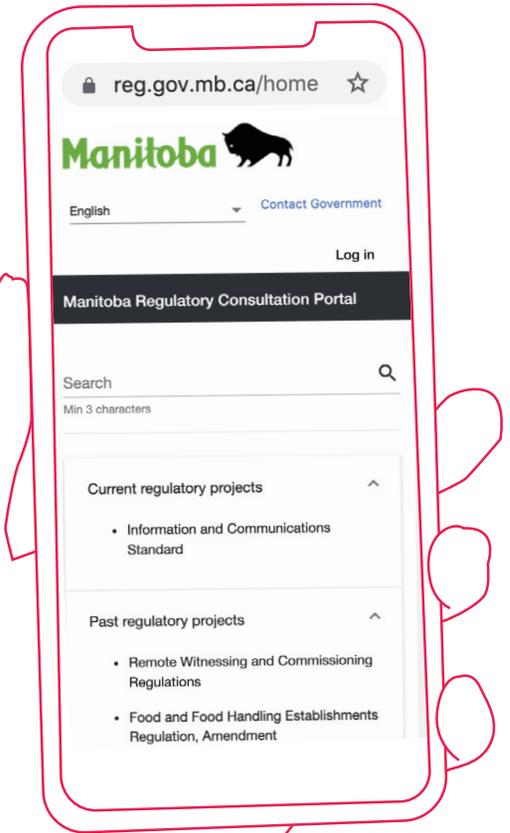
4. Moving Forward

As Manitoba recovers from the impacts of the COVID-19 pandemic, enhancing regulatory accountability and reducing red tape will be critically important to building a sustainable, resilient and prosperous future for all Manitobans.

Manitoba departments and government agencies will actively review what can be learned from their experiences in policy and regulatory responses to the pandemic and will continue to modernize regulatory approaches that improve services for Manitoba.

Efforts will be strengthened to leverage *EngageMB* and other tools and platforms to boost communication and engagement with the public including through the *Manitoba Regulatory Consultation Portal* and the *Manitoba Forms and Policies Portal*.

The Manitoba government will continue to participate with other provinces and territories and the federal government to reconcile regulatory measures and reduce red tape that impedes interprovincial business, capital investment and labour mobility to the benefit of all Manitobans.



Appendices

APPENDIX 1

KEY FEATURES OF MANITOBA'S REGULATORY ACCOUNTABILITY FRAMEWORK

Manitoba's regulatory system is comprehensive and includes modernized processes for developing statutes, regulations, policies and forms. These processes incorporate new tools and technologies to engage stakeholders and the public in order to promote greater openness, trust and transparency in policy development. These processes and tools also enable all departments and government agencies to better monitor, manage and reduce regulatory requirements.

Framework Features

- ▶ **Legislated approach** — Manitoba's framework is legislated through *The Regulatory Accountability Act*. The framework stands on seven principles, articulated in this statute, to guide and provide a foundation upon which effective, consistent, impartial and transparent regulatory accountability in the province is based
- ▶ **Oversight by Executive Government** — The Regulatory Accountability Committee of Cabinet ensures compliance with the principles of regulatory accountability
- ▶ **Government-wide approach to information and workflow management** — Manitoba's regulatory accountability framework is managed through the completely digital *Regulatory Accountability Database* that is used by all departments and government agencies
- ▶ **Accessible and convenient documents** — The *Manitoba Forms and Policies Portal* provides a single convenient online location to find all government forms and policies. The Portal complements the *Manitoba Laws* website, which provides a comprehensive listing of Manitoba statutes and regulations
- ▶ **Evidence-based policy development that includes public and stakeholder impact analysis** — Manitoba's innovative *Regulatory Accountability Impact Analysis* tool is used to assess the estimated costs and benefits to the public and stakeholders resulting from regulatory requirements
- ▶ **Public engagement** — Proposed regulations that contain regulatory requirements are posted for public review and comment on the online *Manitoba Regulatory Consultation Portal* for a minimum of 45 day period, as required under the *Statutes and Regulations Act*
- ▶ **Transparent public performance reporting** — Manitoba's annual Regulatory Accountability and "Measuring Progress" *Balanced Scorecards* reports show the government's performance in priority areas, including reducing red tape

APPENDIX 2

REGULATORY REQUIREMENT ACCOUNTING METHOD

New Regulatory Requirement Accounting Method

As a result of reorganizations, new departments and government agencies may be created or eliminated, and divisions and programs may move from one department or government agency to another. These changes often result in departments and government agencies realizing an increase or decrease in regulatory requirements through transfers of statutes, regulations, policies and forms. These transfers do not change the total government-wide number of existing regulatory requirements; however, they do impact the number of regulatory requirements within individual departments and government agencies.

A new method of accounting for regulatory requirements was introduced in 2020-2021 to account for such transfers and attribute actual changes in the number of regulatory requirements resulting from regulatory activities to the departments and government agencies that made the changes.

How does the new accounting method work?

The previous method for calculating year-over-year changes in the total number of regulatory requirements entailed subtracting the total number of regulatory requirements at the end of the previous fiscal year from the total number of regulatory requirements at the end of the current fiscal year.

Under the new accounting method, all reductions and increases in regulatory requirements that are made within a fiscal year are attributed to the department or government agency that made them even if the statutes, regulations, policies or forms containing the regulatory requirements are transferred to

or from another department or government agency within the same fiscal year.

Multi-year Changes to Regulatory Requirements

Many regulatory systems rely on regulatory requirements that are inter-connected within statutes, regulations, policies and forms. As a result, changes to these systems may take place over several years and must be reviewed in whole to determine the impact on Manitoba citizens, businesses, non-profit organizations and local governments.

In 2020-2021, there were a number of projects initiated to modernize broad regulatory systems. Regulatory requirements associated with these projects will be registered in the fiscal year that the regulatory projects are completed.

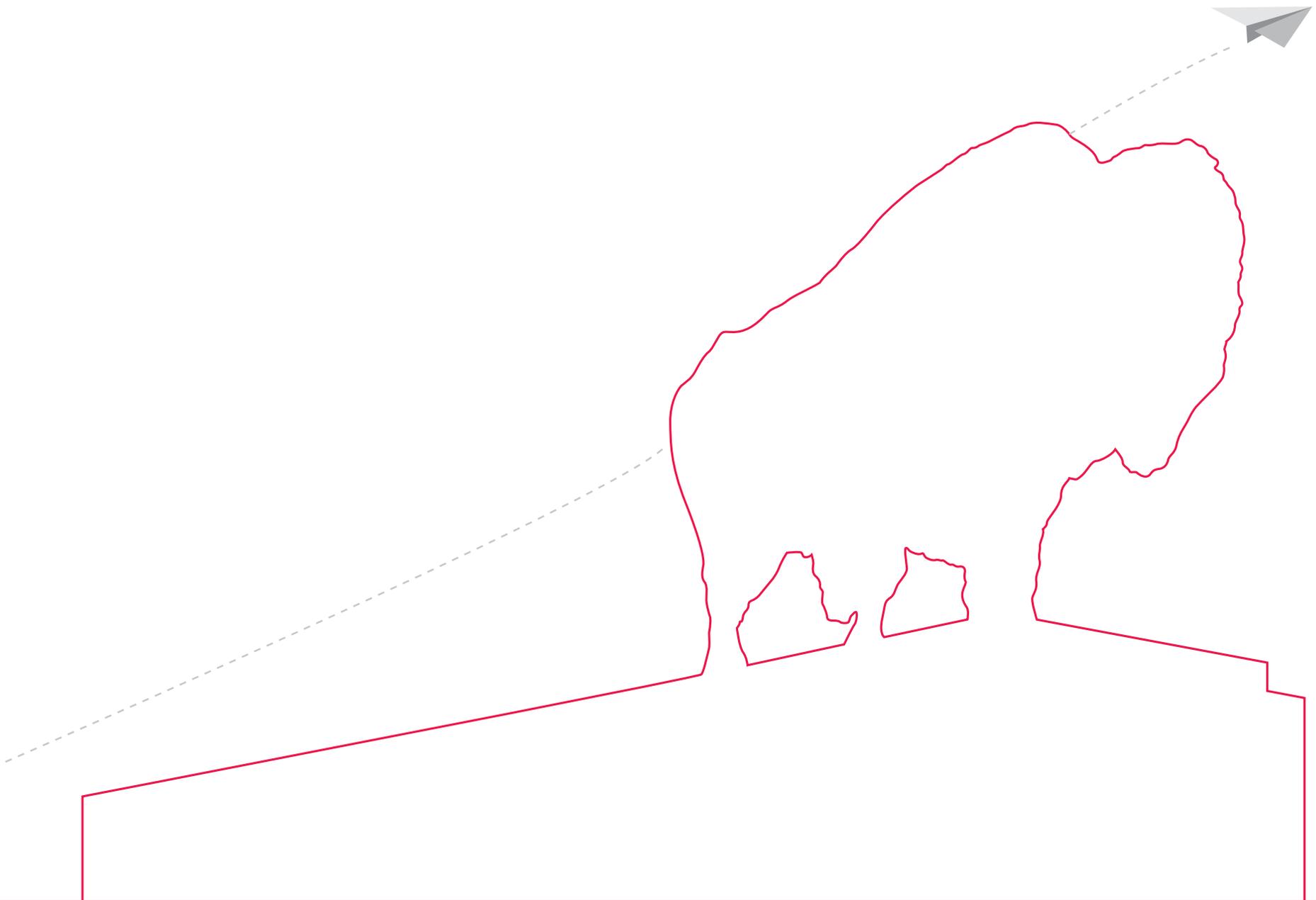
APPENDIX 3

REGULATORY
REQUIREMENT
TRANSFERS CARRIED
OUT IN 2020-2021

The table on this page shows regulatory requirements transferred in and transferred out of Manitoba departments and government agencies in 2020-2021.

Manitoba Departments and Government Agencies	Transferred In* (Regulatory Requirements)	Transferred Out* (Regulatory Requirements)
Advanced Education, Skills and Immigration	16,122	-
Agriculture and Resource Development	13,173	37,568
Central Services	56	-
Conservation and Climate	49,142	15,368
Crown Services	112	-
Economic Development and Jobs	2,707	75,587
Education	1,453	2,494
Families	-	4,096
Finance	65,122	400
Health and Seniors Care	3,670	425
Infrastructure	1,367	-
Justice	23	10,263
Legislative and Public Affairs	107	-
Manitoba Hydro	-	12,183
Manitoba Liquor and Lotteries Corporation	-	45
Manitoba Public Insurance Corporation	-	1,397
Mental Health, Wellness and Recovery	425	-
Municipal Relations	1,080	51
Sport, Culture and Heritage	5,220	93
Workers Compensation Board of Manitoba	-	63
Other Transfers	479	225
Total	160,258	160,258

* Transfers of regulatory requirements between departments and government agencies resulting from reorganizations and reassignment of statute and program responsibilities.



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HOW TO CONTACT US

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