

TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF MANITOBA:

Your Standing Committee on LAW AMENDMENTS presents the following as its Eighth Report.

Your Committee met on Tuesday, July 25, 2000 at 6:30 p.m., Wednesday, July 26, 2000 at 6:30 p.m. and Thursday, July 27, 2000 at 2:45 p.m. in Room 255 of the Legislative Building to consider Bills referred.

At the July 25, 2000 meeting, your Committee elected Mr. REID as Vice-Chairperson.

At the July 26, 2000 meeting, your Committee Elected Mr. MARTINDALE as Chairperson and Mr. SMITH (Brandon West) as Vice-Chairperson.

At the July 25, 2000 meeting, your Committee agreed, by motion, on a counted vote of Yeas 6, Nays 4, to the following motion:

**THAT presentations be limited to 15 minutes with a maximum 5 minutes for questions.**

At the meetings held on July 25 and 26, your Committee heard representation on Bills as follows:

Bill (No. 12) – The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques

Gerald Huebner	Manitoba Association of Christian Homeschools
Norbert and Debbie Maertins	Private Citizens
Bernd Rist	Private Citizen
Abe Janzen	Private Citizen
Dr. Terry Lewis	Private Citizen
Marion Hart	Private Citizen

Bill (No. 42) – The Public Schools Amendment and Consequential Amendments Act/Loi modifiant la Loi sur les écoles publiques et modifications corrélatives

Theresa Ducharme	People for Equal Participation Inc.
Rey Toews & Carolyn Duhamel	President, Manitoba Association of School Trustees
Len Schieman	Rhineland School Division #18
Fran Frederickson & Val Weiss	Chair, Interlake School Division
Bart Michaleski	President, Manitoba Association of School Business Officials
Jim Murray & Linda Ross	Chair, Brandon School Division #40
Floyd Martens	Chair, Intermountain School Division
Ron G. Plett	Chair, Hanover School Division
Dr. Dave McAndrew	Western School Division #47
Kurt Guenther	Private Citizen
Wayne Motheral	President, Association of Manitoba Municipalities
Mary Hudyma	Chair, Dauphin-Ochre School Division
Judy Eagle	Flin Flon School Division #46
John Pshebniski	Duck Mountain School Division #34
Gerald Thiessen	Garden Valley School Division
Peter Wohlgemut	Rhineland Teachers' Association
Ron Friesen	Garden Valley Teachers' Association
Bryan Harley	Private Citizen
Joanne Huberdeau	Birdtail River School Division #38
Val Thomson	Private Citizen
Claude Vigier	AEFM
Doug Halmarson	Private Citizen
David Rondeau	Private Citizen
Amy & Peter Buehler	Brandon Teachers' Association
Harvey Bridgeman	President, Mountain Teachers' Association
Craig Blagden	Midland Teachers' Association
Andrew Peters	Private Citizen

Garry Hornung	Private Citizen
Ward Kay	Private Citizen
Lori Johnson	Chair, Winnipeg School Board
Peter Kotyk for Rod Giesbrecht	Private Citizen
Bob Fraser	Chair, River East School Division
Doug Edmond	President, Manitoba Association of School Superintendents
Roy Schellenberg	St. Boniface School Division
Sandra Paterson-Greene for Scott Johnson	St. James-Assiniboia School Division
Ruth Ann Furgala & Vivian Leduchowski	Chair, Evergreen School Division
Betty Green & Kelly Decker	Lakeshore School Division #23
Neil Whitley	Rolling River School Division
Pam Stinson	Private Citizen
Jan Speelman	President, Manitoba Teachers' Society
Ric Dela Cruz	Seven Oaks School Division
Wendy Moroz & Howard Holtman	Chairperson, Assiniboine South School Division
Paul Moist	Manitoba Federation of Labour
Graham Starmer & Dave Angus	Manitoba and Winnipeg Chambers of Commerce
Susan Popeski	Seven Oaks Teachers' Association
Dan Kelly	Canadian Federation of Independent Business
Marijka Spytkowski	Transcona-Springfield Teacher's Association
Chris Pammeter	Private Citizen
Victor Vrsnik	Canadian Taxpayers Federation
Barry Wittevrongel	Private Citizen
Rachel Ouimet for Linda Brezina	St. Vital Teachers' Association
Albert Cerilli	Private Citizen
Bob Land	Private Citizen
Wendy Land	Private Citizen
Henry Pauls	Winnipeg Teachers' Association
Roland Stankevicius	River East Teachers' Association
Darrell Rankin	Communist Party of Canada
Diane Zuk	Assiniboine South Teachers' Association
Rudy Peters	Private Citizen
Ed Hume	Private Citizen

Bill (No. 45) – The Teachers' Pensions Amendment Act/Loi modifiant la Loi sur la pension de retraite des enseignants

Jan Speelman and Henry Shyka	Manitoba Teachers' Society
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Written Submissions:

Bill (No. 42) – The Public Schools Amendment and Consequential Amendments Act/Loi modifiant la Loi sur les écoles publiques et modifications corrélatives

Marvin R. Anderson	Prairie Spirit School Division No. 50
Susan Boyachek	Rural Municipality of Ethelbert
James Bedford	President-Elect, St. Boniface Teachers Association

Your Committee has considered:

Bill (No. 45) – The Teachers' Pensions Amendment Act/Loi modifiant la Loi sur la pension de retraite des enseignants

and has agreed to report the same with the following amendment:

**MOTION:**

*THAT the proposed subsection 63.1(2), as set out in section 2 of the Bill, be amended by striking out everything before clause (b) and substituting the following:*

**Purchase of service for past maternity leave**

**63.1(2)** A teacher who was granted a period of maternity leave referred to in subsection (1) and did not elect to make contributions under that subsection for that period may, if she has neither received a refund of her contributions nor begun to receive a pension, purchase the service for the period by

(a) filing with the board

(i) before July 3, 2002, if the period of leave was granted before subsection (1) came into force, and

(ii) within 18 months after the end of the period of leave, in any other case,

an application in a form prescribed by the board; and

Your Committee has also considered:

Bill (No. 12) – The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques

and has agreed to report the same, without amendment, on division.

Your Committee has also considered:

Bill (No. 42) – The Public Schools Amendment and Consequential Amendments Act/Loi modifiant la Loi sur les écoles publiques et modifications corrélatives

and has agreed, on a counted vote of yeas 6, nays 4 to report the same, with the following amendments:

**MOTION:**

*THAT the proposed subsection 97(1), as set out in section 4 of the Bill, be amended by striking out the definition of "dispute" and substituting the following:*

**"dispute"** means any dispute or difference, or apprehended dispute or difference, between a school board and one or more of the teachers it employs or a bargaining agent acting on behalf of those teachers as to

(a) matters or things affecting or relating to terms or conditions of employment or work done or to be done by the employer or by the teacher or teachers, or

(b) privileges, rights and duties of the school board or the teacher or teachers that are not specifically set out in this Act or *The Education Administration Act* or in the regulations made under either of those Acts.

However, it does not include a controversy or difference arising out of the termination or threatened termination of a teacher's contract. (« différend »)

**MOTION:**

*THAT the definition "teacher" in the proposed subsection 97(1), as set out in section 4 of the Bill, be amended by adding "under a written contract in Form 2 of Schedule D or in any other form approved by the minister under section 92 and" after "employed by a school board".*

**MOTION:**

*THAT the proposed subsection 102(2), as set out in section 4 of the Bill, be struck out and the following substituted:*

**When Labour Relations Act applies**

**102(2)** Part VII of *The Labour Relations Act* applies, with necessary changes, to an arbitration carried out under a final settlement provision referred to in subsection (1), except to the extent of any inconsistency with the final settlement provision.

**MOTION:**

*THAT item 6 in the proposed section 103, as set out in section 4 of the Bill, be amended by striking out "that were in the statement of matters in dispute before hearings begin" and substituting "during the course of the hearing".*

**MOTION:**

*THAT the proposed section 107, as set out in section 4 of the Bill, be amended by striking out "for the purpose of section 108".*

**MOTION:**

*THAT subsection 6(3) of the Bill be amended by adding the following at the end of the subsection:*

*For that purpose, any notice to begin collective bargaining given under the former Act respecting the renewal, revision or replacement of such an agreement is deemed to have been given under section 60 or 61 of **The Labour Relations Act**.*

**MOTION:**

*THAT the following be added after subsection 6(3) of the Bill :*

*6(3.1) Notwithstanding subsection (3), arbitration proceedings may not be initiated under Part VIII of **The Public Schools Act** (as enacted by this Act) until 90 days after this Act comes into force, during which time the parties must bargain collectively in good faith with one another and make every reasonable effort to conclude a collective agreement.*

**MOTION:**

*THAT subsection 7(2) of the Bill be amended by adding ", school superintendents" before "and parents".*

**MOTION:**

*THAT subsection 7(3) of the Bill be amended by adding "school superintendents," before "parents".*

All of which is respectfully submitted,

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Mr. NEVAKSHONOFF, Chairperson

Committee Rooms  
July 27, 2000