



Fifth Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

Standing Committee

on

Law Amendments

Chairperson

Mr. Marcel Laurendeau

Constituency of St. Norbert



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON LAW AMENDMENTS

Tuesday, July 13, 1999

TIME – 10 a.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Marcel Laurendeau
(St. Norbert)**

**VICE-CHAIRPERSON – Mr. David
Faurchou (Portage la Prairie)**

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Mrs. McIntosh, Hon. Mrs. Mitchelson,
Hon. Mr. Toews

Ms. Cerilli, Messrs. Faurchou, Findlay,
Laurendeau, Martindale, Ms. McGifford,
Messrs. Sale, Sveinson

APPEARING:

Mr. Steve Ashton, MLA for Thompson

MATTERS UNDER DISCUSSION:

Bill 40—The Employment and Income Assistance
Amendment Act

* * *

Mr. Chairperson: Good morning. Will the Standing Committee on Law Amendments please come to order. This morning we will be proceeding with detailed clause-by-clause consideration of Bill 40, The Employment and Income Assistance Amendment Act.

Does the minister responsible for Bill 40 have an opening statement?

Hon. Bonnie Mitchelson (Minister of Family Services): We have listened to many individuals come before this committee and speak to the legislation. I just want to indicate

that, when we brought in welfare reform back in 1996, we have seen, for the first time ever, for the first time in the last two decades, the number of welfare recipients decrease as a result of those reforms, where we are working more aggressively with people to give them a hand up, not a hand-out, where those that are on the front lines within our welfare system have an opportunity to say, as people walk in the door to receive income assistance: what can we do to try to help you connect to jobs, connect to the community. Very important that people have an opportunity or an option to work or to be involved and connected to community in a way that will lead to meaningful employment.

I have said many times, and I will repeat again, welfare is a commitment to a life of poverty. You do not see any government across the country that today, or will into the future, raise welfare rates to a point where it will move people above the poverty line or the so-called poverty line through LICOs.

Welfare is a commitment to a life of poverty, and I know that Manitobans want to see more for Manitobans than a life of poverty on welfare, so everything that we are doing, the reforms that we made in 1996 and continuing again, reforms that we are doing today, focus primarily on the employable caseload. Those that are able bodied and able to work or contribute in some positive way to community are those that this bill does focus and target specifically. We also want to ensure that parents who have addictive problems have an opportunity to move out of that cycle of addiction and ensure that the scarce resources that are provided through the welfare system for their children are going to nurture and support their children.

The learnfare issue is focused on 16- to 17-year-olds, and we do know that a connection to the education system, going back to school and continuing to learn, is one way to break the cycle

of poverty and the generational cycle from time to time. We know that education is a major factor in moving people forward and helping them to gain the skills that will lead to meaningful employment.

So, with those few comments, Mr. Chairperson, I am prepared to proceed with clause by clause on the bill.

Mr. Chairperson: Thank you, Madam Minister. Does the critic of the official opposition have an opening statement?

Mr. Doug Martindale (Burrows): Mr. Chairperson, I note the minister said that she was listening to people. If she was truly listening to people during the public presentations, then we will see the government introduce amendments to their bill. We believe that all employable citizens have a social obligation to work. We also believe in welfare-to-work programs that truly work.

We have concerns about the motivation for Bill 40, given that it has come in at the end of an electoral term and after a series of election ads. These concerns are reflected by the lack of content in the bill, including detail as to how the provisions in the bill could actually be achieved. This bill has all the earmarks of a hastily concocted piece of legislation that was cobbled together in one day in the Premier's office and then sent to the Department of Family Services. That is why we have clauses in here that are pretty vague and give the government considerable power to put the details in the regulations.

There is no detail as to how obligations to engage in community service, education and training, addiction treatment, and parenting programs can be fulfilled if these options are not accessible to recipients. Unlike welfare-to-work initiatives in Saskatchewan, such as the building independence strategy, there are no clearly defined programs that link community service and education and training to long-term employment. There was also no mention of new welfare-to-work programs in the budget.

This lack of detail in the bill and the timing of its introduction suggest some cynical motives

on behalf of this government. In fact, when these issues were raised by presenters, the minister asked questions that were based more on partisanship than on the content of her bill. Given that there were 12,000 more people on welfare in 1998 than there were in 1988, the public wants assurances that any new measures will not be costly failures like in New Brunswick, where workfare cost \$177 million, got few people off welfare and had to be abandoned. Manitobans want to know that welfare-to-work programs will truly move people into long-term employment.

As a result of all of these concerns, we will be moving amendments to significantly improve the bill but recognizing that will not make it perfect. Thank you.

Mr. Chairperson: We thank the member for his opening remarks.

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

Clause 1. Shall Clause 1 pass?

Mr. Martindale: Mr. Chairperson, I have an amendment to Clause 1. I move

THAT the following be added after section 1 of the Bill:

1.1 Section 1 is amended by repealing the definition "appeal board".

After everyone has a copy, I will speak to the amendment.

Motion presented.

* (1010)

Mr. Chairperson: I would like to inform honourable members that this is out of scope with the bill that is before us, because the appeal board is not before this committee at this time.

Mr. Martindale: Mr. Chairperson, I would just like to point out that in addition to this amendment I have detailed amendments

regarding an appeal process which would be amending Section 9 of the act, and if it would help the Chairperson or the committee, we could actually distribute those amendments now. The wording is identical or almost identical to The Social Services Administrative Act, and the wording is only slightly amended to have a new—yes, I would like the Leg Counsel to distribute my amendments to the appeal process which come later in the bill. Really, it is a total package. We cannot have deleting the word "appeal" and not have the rest of the amendments, so that honourable members can see them in their entirety and appreciate them.

Mr. Chairperson: I would just like to thank the member for bringing to our attention that you are bringing forward further amendments. This amendment would not be dealt with until we got to that proper clause, but this will give the committee an opportunity to review it.

Mr. Martindale: I realize that we cannot or would not normally deal with amendments out of sequence. So these further amendments on the appeal board process are provided for information, so that all honourable members can appreciate that I have not just deleted the definition of appeal, or repealed the definition of appeal board, but I have also substituted further on in this bill a complete process for nominating members for the appeal board. The rationale for this is that if we are going to have new measures which are going to apply to a lot of people—the minister has said 17,300 people—then I believe we need a fair process to make sure that people are not arbitrarily denied their benefits.

Mr. Chairperson: If I could bring the member to order at this time. The one thing that is not before this committee at this time is the appeal board. I understand the member is bringing forward an amendment further on in this package. At the time that we bring forward this amendment, I think it might be the appropriate time for you to speak to it. You have distributed it for them to have a look at it. I think that at this time we should deal with the clause that is before the committee, and that is Clause 1. I have ruled that the amendment that you brought forward is out of scope with the bill that is before the committee at this time, and that is where we are.

Mr. Martindale: Mr. Chairperson, I wonder if you could tell me why it is out of scope.

Mr. Chairperson: It is out of scope because the appeal board is not dealt with in the bill.

Mr. Martindale: Mr. Chairperson, it would be my understanding that I could introduce something new to the bill, provided it did not cost money. Usually, things are out of scope because there is a financial burden, and opposition members cannot introduce things that would be a cost to the public treasury.

Mr. Chairperson: I have been informed, Mr. Martindale, that anything that is not being dealt with in the bill directly is out of scope with the bill.

Ms. Diane McGifford (Osborne): Mr. Chair, just for clarification, can we ask for leave of the committee to consider this particular amendment?

Mr. Chairperson: As honourable members are aware, the committee is able to make decisions, if they so choose, by leave. It is up to the committee to make those requests, not myself as Chair. All I do is make the ruling.

You have the ability to challenge my rulings or to seek leave.

Ms. McGifford: Could I have one minute to confer with my caucus?

Mr. Chairperson: Yes.

Mr. Ben Sveinson (La Verendrye): Mr. Chairperson, just on a point of clarification, how can this committee be considering something that you have just ruled out of scope?

Mr. Chairperson: We are not dealing with that matter, Mr. Sveinson. At this time, we are dealing with Clause 1. I have ruled it out of scope. I am just giving the opportunity to the opposition critics to have a discussion at this time if that is okay with the committee.

Ms. McGifford: Mr. Chair, then I would like to ask for leave of the committee to consider this amendment.

Mr. Chairperson: Is there leave of the committee to consider the amendment brought forward by Mr. Martindale, which is out of scope with the bill?

Some Honourable Members: No.

Mr. Chairperson: No, leave has been denied. We will now move on to Clause 1.

Mr. Martindale: Mr. Chairperson, I have so many amendments here I am going to have to make sure I do not miss any.

Mr. Chairperson: Yes, well, we will take our time. Clause 1, we can pass it? Clause 1—pass.

Shall Clause 2 pass? Mr. Martindale has an amendment.

Mr. Martindale: Let us wait until it is circulated.

Mr. Chairperson: The amendment is being circulated. It has been circulated.

Mr. Martindale: Mr. Chairperson, I move

THAT section 2 be amended by adding "and by adding", provided that no applicant, recipient or dependant shall be required under the regulations to undertake a community service activity, if, in doing so, he or she would replace or displace a paid worker" after "undertake" at the end.

Motion presented.

Mr. Chairperson: The amendment is in order.

Mr. Martindale: Mr. Chairperson, the intent, I think, of this amendment is quite clear and quite straightforward.

That is that people who are required to do voluntary community service work would not replace or displace paid workers. It really would not make too much sense to have paid staff laid off and replaced by volunteers. Some of those paid staff might end up on social assistance, which would really contradict the intent of this bill. There is a concern because of workfare

experiments in other provinces, especially where there were—

Mr. Chairperson: Order, please. Can we get these windows closed, please. I cannot hear Mr. Martindale. At least do this one. The other ones will be fine in the back. Carry on, Mr. Martindale, I am sorry.

Mr. Martindale: Thank you. Mr. Chairperson, we know that in other provinces workfare employees—not really employees, cheap labour—replaced full-time paid employees, and we do not want to see that happen in Manitoba. That is why we are moving this amendment.

Mrs. Mitchelson: We have always had a government policy, and it has been the policy of our party and our government, to ensure that work programs are incremental. When you look at the kinds of job opportunities that have been created through the Rural Jobs Project, through CareerStart, through Green Team, these are all programs that have been incremental and over and above any job activity that is taking place. These are additional activities that are being undertaken, and they have never replaced a working or a paid job. That is our policy, and that will continue to be our policy as we implement workfare and require people to do community service or volunteer activity. When we talk about volunteer activity, it is exactly that. It is in addition to those jobs that are paid. So that has been a policy of our government, and, therefore, we will not be supporting this amendment.

Mr. Tim Sale (Crescentwood): I did not hear the end of the minister's remarks. What was the last statement she made?

Mrs. Mitchelson: I am not sure how far back I need to go, but these are volunteer activities that will be provided along with people who will be mentors and people who will be working, whether they be in community service organizations or in the job market in some other way. It has always been the policy of our government that any type of work activity or volunteer activity does not replace paid work. We will continue along that policy, so this amendment will not be supported.

* (1020)

Mr. Sale: That was my question. I did not hear whether the minister said "will" or "will not," but she has said "will not be supported." I find this puzzling on the basis that, when I used to teach in the faculty of Economics at the University of Manitoba--

Mr. Chairperson: Would you bring your microphone just a little closer, Mr. Sale.

Mr. Sale: I used to teach at the faculty of Economics at the University of Manitoba. We examined issues of workfare, and it was virtually universally found that employers who offered what would be called entry-level jobs routinely used these programs exactly for the purposes that this amendment contemplates prohibiting. I am not clear at all why Manitoba would be an exception to that, given that, for example, in the case of TeleSpectrum, the government actually entered into a contract on the basis of funds that would be provided to TeleSpectrum to hire people who would be working for them, who would clearly be replacing people that they would hire anyway because TeleSpectrum required a certain level of workforce. It may be that there were other reasons why the government did not wind up giving TeleSpectrum any money, but I know from personal files and casework that I did on this company, which actually occasioned more casework than any company that I have ever dealt with, that people were routinely provided with a short amount of employment and, as soon as the wage subsidy ran up, they were laid off. They were not laid off because they were incompetent, and they were not laid off in many cases because they did not make their quotas. They were simply laid off because the company no longer was entitled to the transitional wage subsidy, and so they laid these people off.

So I would expect that, if it is the government's policy that this should not happen, as the minister has said, which I am glad to hear, that she would have absolutely no hesitation then in supporting the amendment because the amendment apparently simply puts into law what is the government's announced and, in fact, positively supported policy. So why would the government have any difficulty with putting into

law what they say they do and what they say they believe in? It is a puzzling stand to take, Mr. Chair.

Hon. Vic Toews (Minister of Justice and Attorney General): Just a few comments that I have to make following on the member for Crescentwood's (Mr. Sale) comments. Certainly, the concerns he raises were similar to the Jobs Fund situation where the prior NDP government put \$200 million into a Jobs Fund, and this was all authorized by law. There are certain criteria by law, \$200 million that was spent on jobs that simply did not continue after the subsidy ran out. In fact, what would happen is that companies would lay off their own people and then other companies would hire those people. So there would be a trade-off, but they would all be subsidized. So the question is not one of law. It is the question of commitment of a government to follow through a particular policy. It is the question of administration.

I noted, with interest, some of the comments in the House yesterday from members saying that the Conservative opposition voted for the Jobs Fund. Well, of course, they voted for the Jobs Fund, I assume, because they believed there were jobs going to be created, and one has to trust the administration of the Jobs Fund then to actually create the jobs. Now those jobs were never created.

In fact, Mr. Chair, I had the dubious honour of drafting many of the contracts for the Jobs Fund, and the first draft I did, the NDP told me it was too legalistic. They did not want to scare off people from applying for these funds, so could you soften it a little bit so it does not look so legalistic. It was a very curious state of affairs that here they passed in legislation certain guarantees to create jobs by legislation and then telling their administrators to soften it so it did not scare off people from applying. Clearly there, they had no desire to follow through their legal obligations.

I think what they are trying to do here with this amendment is clearly mischievous. By putting this into an amendment and then what they will try to do is stall welfare reform, workfare reform, by trying to rely on these types of technicalities that do not lend themselves to

the type of black-and-white amendment, but must ultimately rely on the good faith of the administrators. Now the minister has indicated this has been our government's policy. I see no reason why our government's policy should change; the minister has made those undertakings. So for that reason, given my experience with the prior government passing laws but administratively not being too concerned about following the laws, I think we have a tradition of not trying to pass too many laws but in fact administratively ensuring that we enforce them.

A very strange thing, as well, when the member for Burrows (Mr. Martindale) stood up and said we should have the 300 pages that the Ontario government had in terms of its workfare, as though the number of legislative amendments determined the success of any particular program. I would suggest that in these types of programs what guarantees the success, to a large part, is the administrative commitment of any particular government. I believe our government is committed and this amendment simply seeks to work some mischief.

Mr. Martindale: Mr. Chairperson, I would like to ask the minister for clarification about her remarks. She referred to the Rural Jobs Project, and I presume that all of the welfare-to-work initiatives that are identified in the Estimates book would be in the same category, that, in addition to the Rural Jobs Project, Opportunities for Employment, Manitoba Conservation Corps, job-readiness groups and Community Home Service project, everyone in these programs is being paid. Is that what the minister was referring to?

Mrs. Mitchelson: I want to indicate that in any of the processes where there are job opportunities and people are being paid or not paid in the instance—because this is new, people have not been required in the past to do community service for their welfare cheque. That is something new that is being introduced with this legislation. For every one of these programs, there is an application process whereby it is spelled right out in the application process that this will not replace paid work that someone else is doing. So I am indicating that it will not be any different. We are canvassing

community organizations that want to help support those who might need some sort of connection to the community, some way to build their self-esteem. Some may not be quite ready to enter the paid workforce, but we heard many, many presenters indicate to us over the last several days that, as people get involved with community and volunteer, whether it be a small amount or a large amount, it starts to make them feel better about themselves, and they start to feel good about that contribution that they make. Certainly, volunteer activity is one thing that can be included in a resume when people are at the point when they are able to apply for a job.

* (1030)

So, as we work with community organizations—and I know many community organizations will want to work to support those in the community that need to find a mentor or a connection to community—it will be through an application process, and it will be very clear through that process, as it is with all our other programs, that this will not replace paid work. When it comes to those in the private sector that might want to be mentors and support people to those that are welfare recipients to help them build the self-esteem, feel good about themselves, in those instances, there will be something in the program or the process that will indicate clearly that this is not to replace paid work. It is to be in addition; it is to be a mentorship; it is to be a support to individuals to help them move from that place where they do not feel very good about themselves to feeling that they have something to contribute.

So that is what I am saying when we have application processes. Everyone who is going to be working with someone who might benefit from volunteer activity will understand that as a result of the application form that will be provided through the program.

Mr. Martindale: I was just seeking clarification from the minister that, in programs like Community Home Services, welfare recipients in those programs are being paid. Is that correct?

Mrs. Mitchelson: Yes, they are.

Mr. Martindale: The minister is saying that people who are volunteering doing community service are strictly volunteers and will not be paid and will not replace existing paid staff.

Mrs. Mitchelson: Yes, I am indicating that that has been our policy and that will continue to be our policy.

Mr. Martindale: I would like to ask the minister where it says in the legislation that they will not replace paid workers.

Mrs. Mitchelson: Again, I think I just have to echo the comments that were made by my colleague the Minister of Justice (Mr. Toews). Putting something in law—and we do not have laws that determine what the Rural Jobs Project will look like. We do not have laws that determine what CareerStart is. We do not have laws that tell us what will happen in the Green Team, its administration and its policy. Our government policy has been, when these jobs or activities are created that they are not, and it is right in the application form, that these job activities will not replace paid work. We followed that policy, and we are committed to following a policy that we had in place and we have adhered to. So we do not have laws around all of the programs that have been implemented. We have policies, and we follow through on those policies as a government.

Mr. Martindale: I would like to ask the minister if this policy will be spelled out in one of the regulations.

Mrs. Mitchelson: Normally speaking, we do not have regulations spelled out around the Rural Jobs Project, around CareerStart, around the Green Team. It is a policy of our government, and it is through application process, and that will be the same process that is followed as we move into community service and workfare.

Mr. Martindale: Since the minister is trying to reassure us that these volunteers will not replace paid staff, I am wondering why she has a problem accepting it as an amendment in the bill.

Mrs. Mitchelson: I think I can only echo the comments that were made by the Minister of

Justice (Mr. Toews) when he indicated that the former New Democratic government, when they were in power under the Jobs Fund, had strict legislation that they did not follow and they did not want. I mean it was fine to have legislation, but their policy and their practice did not echo or mirror the legislation that was put in place.

I am saying that we are a government that has followed policy, and we have throughout many of our programs given opportunities to young people to contribute through the Green Team, through our CareerStart program, through our Rural Jobs Project, through Taking Charge! opportunities for employment, all kinds of activities that are ongoing out there to support individuals, to help them move off of the dependency of a welfare cycle into the workforce. In some instances they are very small steps, in others they are bigger.

But I am indicating to you that we have a track record that shows that we have an application process that spells out certain criteria, and it says that these job opportunities or volunteer opportunities that will be available as a result of workfare and this legislation will be there and not replacing paid work. We live up to our policies, and as I said you can put things into legislation, and the NDP have done that before, and then have not lived up to the spirit of the law. So what good is it to be in legislation? I think again that this is just, to echo my colleague's words, mischief by the New Democratic opposition.

Ms. Marianne Cerilli (Radisson): I just want to clarify for the record because we are dealing with legislation that does not have the detail. I want to clarify then: are we talking about the same thing when we are talking about community service and we are talking about workfare? Is what is going to happen is we are talking about approximately 17,000 people who are going to be deemed employable—and again there is a lot of discretion in that—but those are the individuals that are going to be required to do community service, and they are not going to receive any additional benefits other than the regular welfare? Is that the only program or is there also another workfare component where there are additional benefits?

Mrs. Mitchelson: Well, I guess the benefit to Manitobans today is the booming economy. We have jobs that are there going unfilled. There are stories again in the papers today that indicate that there are skill shortages for jobs. I heard people during their presentations talk about the 5,000 jobs that are out there. There are many, many more than 5,000. There are 5,000 jobs today that have been identified where we have skill shortages.

We are trying to work to ensure that we can match people and provide some training if the opportunity arises to match people to those jobs, but all you have to do is drive down the main thoroughfares of the streets throughout the city of Winnipeg and throughout the province—

An Honourable Member: That is not my question.

Mrs. Mitchelson: Mr. Chairperson, my honourable friend has asked the question of: is it only going to be volunteer activity for these 17,000 people that are employable? These are able-bodied individuals that are employable. I am saying, no, it is not only going to be volunteer work, because there are lots of jobs out there. Many of them are entry level jobs, yes, but we heard many, many presenters indicate that a lot of people got their start with an entry level job, and once they build some skills they can move on to other job opportunities.

So besides the 5,000 jobs that may require some skills there are many, many other jobs. There are many "Help Wanted" signs along all of our streets. There are job opportunities, and we are going to first and foremost try to connect those employable individuals to jobs. If in fact there are jobs available and people refuse those jobs that they are qualified to do, and most people can move into an entry level job, then we are saying to people you have to give something to the community in order to receive your welfare cheque. In those instances, we will be requiring people, if they refuse a job that is available and they are qualified for, we will be expecting them to commit something to the community through a volunteer service in order to receive their welfare cheque.

Ms. Cerilli: The point the minister just made is getting to answer the question. So what in addition to their welfare benefits are they going to receive so that they can do this community service? How long will the community service be in terms of requirement of the number of weeks or months? How long will the duration be per week? Is there a range and are there any requirements for the workplace that is going to receive this person to try to then integrate them into a paying job?

Mrs. Mitchelson: We heard again, time and time again, through the presentations that were made, that people, once they do get involved in some sort of community activity, feel much better about themselves. It helps to build self-esteem. It helps to develop skills that lead to jobs. This is not a one-size-fits-all issue.

We have now in place a process that does individual job plans for people that walk in the doors and ask for social allowance or social assistance. It will be on an individual, case-by-case basis depending on where they are at in their life and what their plan for the future is. These are independence plans.

We are asking people to think about how they can contribute something back to the community, whether it is in the form of paid employment, and if that is not the case, what they can contribute to lead them to a point in their lives where they feel that they have a positive contribution to make to community and to society. All of that has to be positive in leading to a life of independence and a life out of poverty, and that is out of welfare.

Ms. Cerilli: There are a number of questions we could ask. I just want to ask one more question about this then. With these placements that you are talking about for community service, it sounds like The Employment Standards Act, Workers Compensation legislation and Workplace Safety and Health legislation will not apply. Is that correct or will they apply?

Mr. Chairperson: Can the member give me that question again, because I think it might be deemed somewhere else in a—[interjection] Okay. Thank you. Shall the amendment pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the amendment is accordingly defeated.

Formal Vote

An Honourable Member: A count out, Mr. Chairperson.

Mr. Chairperson: A count-out vote has been requested.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 5.

Mr. Chairperson: The motion is accordingly defeated.

Mr. Martindale: I move,

THAT the following be added after Section 2 of the Bill:

2.1 Section 5.4 is amended by adding the following after subsection (1):

Application of Workplace Safety and Health Act

5.4(1.1) *The Workplace Safety and Health Act* applies in relation to an applicant, recipient or dependent who is required to undertake a community service activity under the regulations as provided for in clause (1)(b).

Mr. Chairperson: I thank the honourable member. Before proceeding to the member's motion, I do believe we should pass Clause 2. The legal opinion was correct.

Clause 2—pass. We will now move on to the member's amendment.

Motion presented.

Mr. Chairperson: The amendment is in order.

Mr. Martindale: The Workplace Safety and Health Act requires that workplaces be safety inspected, that they have health inspections, and it gives employees the right to refuse dangerous work. It secures persons from risks to their safety, health and welfare rising out of the workplace. It maintains the well-being of workers. It prevents poor working conditions. It protects workers from factors causing ill health. It maintains workers in an occupational environment adapted to their physical and mental health. I would argue that if, people are doing 35 hours a week of community service activity, they should be treated in some respects like a paid employee. [interjection] In other words, the Minister of Justice (Mr. Toews) says if they do one hour—I guess the minister is going to support this amendment.

Some Honourable Members: Oh, oh.

Mr. Chairperson: Order, please. I understand Mr. Martindale is having a problem here. Mr. Minister, if we could wait until Mr. Martindale is finished. You will have an opportunity to put your words on the record, or I will have the two of you debating and I will be getting nowhere.

Mr. Martindale, to continue.

Mr. Martindale: Thank you, Mr. Chairman, for your very timely intervention. I am however grateful to know that there is at least one government member that supports my argument here that workers, in this case unpaid workers doing a community work activity, should be covered by The Workplace Health and Safety Act, because we do not know what kind of work environments they are going to be in. Some of them may be in workplace environments for which there are occupational hazards, and I think that the minister would like to see people working in safe environments and covered by workplace safety and health legislation. I suppose the alternative is that somebody sues the government for being placed in an unsafe work

environment, and it seems to me it would only be prudent to have these individuals covered by this piece of legislation before that happens. So I hope that the government will support this very modest amendment.

Mrs. Mitchelson: Mr. Chairperson, this amendment really is redundant because there is blanket coverage under the act, as it presently exists, so there is no need for this to be included in this legislation. It protects workplaces as well as third parties or others that are on the premises, so this really is not a necessary amendment. There is already blanket coverage under the legislation, The Workplace Safety and Health Act, that does have provisions for this group of individuals.

Mr. Martindale: Mr. Chairperson, I wonder if the minister could refer me to which act and which section she believes covers these people.

Mrs. Mitchelson: Mr. Chairperson, it is The Workplace Safety and Health Act under General Objects and Purposes, and it is 2(1).

Mr. Martindale: Mr. Chairperson, could the minister read it into the record, please?

Mrs. Mitchelson: Mr. Chairperson, I would be glad to. "The objects and purposes of this Act are (a) to secure workers and self-employed persons from risks to their safety, health and welfare arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in workplaces."

Mr. Martindale: Mr. Chairperson, I assume the government's interpretation of this is that other people are covered. I am wondering if the minister could clarify for me does that mean that people doing community service work then have the right to refuse dangerous work.

Mrs. Mitchelson: People would not be put in that kind of situation. I have indicated— [interjection] Well, Mr. Chairman, the opposition—

Mr. Chairperson: Order, please. If the members want to enter into the discussion, I

think it would be appropriate for them to wait until they have been recognized. They will get their words on the record, and we will be ahead of the game.

* (1050)

Point of Order

Mr. Toews: I just want to indicate I did not make any intervention there. I want the record clear on that.

Mr. Chairperson: I had not brought it to your attention, Mr. Minister, but thank you very much for that.

* * *

Mr. Chairperson: Madam Minister, to continue.

Mrs. Mitchelson: Mr. Chair, the opposition can laugh. In fact, the whole intent of this legislation is to try to provide opportunities for individuals to gain some sense of self-worth and self-esteem. We are going to be working with community agencies and organizations that have the same philosophy and belief as we do, and that is that we want to support and help people move out of a cycle of dependency and into an opportunity where they may be able to gain meaningful employment.

It is not this government that believes, it is legal interpretation that the legislation that is in place covers any individual that would be involved through workfare, through volunteer activity with a mentor, whether it be with a community service organization or a private company. It is not my interpretation. It is not for political reasons I am indicating this. It is because our legal interpretation from legal counsel is that there is no need for this, that this is redundant and that it is not needed because legally individuals who fall under workfare are covered by The Workplace Safety and Health Act.

Mr. Toews: I would just like to add some comments on that. The act that the member for Burrows (Mr. Martindale) refers to is a very, very broad act. I think that is one of the things

that has to be borne in mind, but I do not think it hurts to read some of these definitions or partial definitions into the record to give the member some assurance in respect of the issue that he is raising.

For example: "worker' includes (a) any person who is employed by an employer to perform a service whether for gain or reward, or hope of gain or reward or not." So you do not even have to be making any money in order to qualify as a worker. If you look at things like stop work orders and the improvement orders, you will see again, Mr. Chair, a very broad definition of all of those. "Stop work warning," for example, "26(2) Where the officer believes that the contravention referred to in clause 1(a) or (b), involves or is likely to involve a serious risk to the safety or health of any person in or about the workplace, he may, in the improvement order, specify that if the contravention is not remedied within the period mentioned therein, a stop work order may be issued in accordance with section 36."

If you look at 26(1), (a) or (b), again the act is intentionally broad to cover not only workers but others. So even if you were to argue that this person is not a worker, which does not seem to be on the face of it correct, they certainly fall under the definition of others.

So all that this amendment does is very redundant. The act does apply to workers, and the definition of workers is very broad. Indeed, the power of the safety and health officers extends well beyond simply protecting workers but others in the workplace as well. I think if you read through the act, you will see a reference to others over and over again. The minister has already quoted 2(1) and 2(2). So I think the minister is correct in her position.

Mr. Martindale: I do not understand why the minister will not support our amendments since she seems to be in basic agreement with the concept. The minister mentioned that she has a legal opinion. I am wondering if she would be willing to table it.

Mrs. Mitchelson: It was a verbal legal opinion based on the clauses that I read, and then my colleague has expanded upon that.

I guess the question has to be, Mr. Chairperson, you know: do we want to go through all of our legislation and amend all of our legislation that is in place to include a clause like this when it is already covered in The Workplace Safety and Health Act? I mean, is that what the opposition or the New Democratic government in waiting would do if they became government? Would they go through all of the legislation and bring every piece of legislation back into the House to include a clause like this when it is already covered in other legislation?

It is redundant, it is mischief, and I think it is very ill conceived for members of the opposition to be bringing amendments like this in and then challenging government to support them when they are just mischief and when they are already included and people that will be impacted by community service and workfare are already covered. It is mischief, it is ill conceived, and I would hope that my honourable friend would recognize and realize that his amendment is redundant.

Mr. Martindale: Mr. Chairperson, I would like to ask the minister: if someone working in a community activity as a volunteer were injured on the job, would they be covered by the Workers Compensation Board act?

Mr. Chairperson: Madam Minister, hold on one second. Are we moving ahead here? This is The Workplace Safety and Health Act. Now he is asking a question about workmen's comp. Would that be related? I will let you answer it anyway, Madam Minister.

Mrs. Mitchelson: Mr. Chairperson, I can answer it now or later. In fact, there is provision within The Workers Compensation Act that regulations can be passed by the Lieutenant Governor in Council declaring any persons or class of persons to be workers in the employment of the government and governed by the terms of this act, and subsections 3 and 3.1 shall apply unless the regulation otherwise provides. We have within regulation included all of the new programs that government has brought in to ensure that The Workers Compensation Act does cover them, and it will be the same in this case.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

Formal Vote

Mr. Martindale: A count out, please.

Mr. Chairperson: A count-out vote has been requested. All those in favour, please raise your hand.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 5.

Mr. Chairperson: So it is five to four, then accordingly defeated.

We are now moving on to Clause 3. Shall Clause 3 pass? One second, we have some amendments. We will be dealing with these amendments one by one.

Mr. Martindale: Mr. Chairperson, I move

THAT the proposed subsection 5.5(1), as set out in section 3 of the Bill, be amended by adding ", as determined by The Addictions Foundation of Manitoba or another recognized addiction agency, " after "has an addiction problem".

Motion presented.

Mr. Chairperson: The amendment is in order.

* (1100)

Mr. Martindale: Mr. Chairperson, our concern here is that we would like to have someone with some expertise decide whether or not someone indeed has an addiction problem and, therefore, is forced into treatment as opposed to a director, which could be an area director I suppose, or a municipality, which could be someone who works for a municipality or, who knows, maybe even a town councillor or R.M. councillor or city councillor. We would prefer an organization like the Addictions Foundation of Manitoba, or another recognized agency could be the Native Alcoholism Council or Native Addictions Council. I think it is a reasonable amendment, and I hope that the minister will support it.

Mrs. Mitchelson: Mr. Chairperson, if you look at the legislation as it is drafted, it has been very carefully drafted to try to ensure that there are not arbitrary decisions by those who work within our welfare system, if you look at the obligation re addiction treatment, if an applicant, recipient or dependent, as specified in the regulations, who the director or municipality believes on reasonable grounds has an addiction problem that adversely affects his or her employability. So reasonable grounds would not be an arbitrary decision by a director that does not have any understanding of addictions.

I want to indicate to my honourable friend that we have had discussions with the Addictions Foundation, the St. Norbert Foundation and others that will be working through the regulations with us. We have a track record as a government of extensive consultation around setting of regulation or changes to regulations. I know that, just from personal experience, when it came to developing the regulations for The Adoption Act, we spent much time consulting with and working with those who would be impacted and affected in trying to ensure that we had the right regulations in place that were going to serve the needs of adoptive parents, adoptive children and birth parents.

So we have already begun the discussions with the Addictions Foundation, with St. Norbert Foundation and others because we know that there are others within our community, and we heard presentations again from people within the community who are mentors and supports to those, whether they were speaking for or against

the bill, feel that they make a very positive contribution in the community or the neighbourhood that they are part of by mentoring and supporting individuals who have substance abuse problems or problems sort of fitting in because of their addiction. Those individuals work tirelessly to try to ensure that they are helping or supporting those to seek treatment.

So I want to indicate to my honourable friend that our front-line staff will be trained by people from the Addictions Foundation that will help them to identify potential issues of addiction, and as a result of that they will be sent for an assessment by the experts before any action is taken.

So that is part of the process we will be going through, working with St. Norbert and the Addictions Foundation. I want to indicate to my honourable friend too that last year we put money in place, and again we have announced more money this year for additional treatment programs. If, in fact, there is not a space available in a treatment program, we are not going to be reducing or discontinuing benefits until that person has the opportunity to access those treatment options.

So we are working, and this part of the legislation will not be proclaimed until we have gone through that rigorous process of regulatory review with those who are experts in the field of addictions.

Mr. Martindale: Mr. Chairperson, this minister and this government have two very different ways of operating. Sometimes there is public consultation, and the minister mentioned The Adoption Act. We know that there was a review committee who were asked to review The Child and Family Services Act. It is very common for governments to proceed, we might say, carefully and cautiously by having a review committee or a task force hold public hearings. Then they draft recommendations, and then the recommendations go to the minister. Then the minister drafts legislation, and the minister's staff draft regulations. They even brief the opposition critics on the regulations, which I had a briefing on The Adoption Act and on other pieces of legislation.

But, when the government wants to do something in an ad hoc way and with great haste shortly before an election, there is no public consultation; there is just private consultation, or when the minister knows that they might get a lot of opposition if they had public hearings—Bill 36 in 1996 would be a good example, no public consultation; Bill 40 in 1999, no public consultation. The minister consults privately with AFM, but does not consult with the public, no public hearings, just cobbles together a bill and introduces it with great haste.

The minister mentioned that front-line staff will be trained. I would be interested in knowing what kind of training would they get, and how much, and who is going to do it?

Mrs. Mitchelson: Mr. Chairperson, it is really interesting to hear the comments from my honourable friend about different ways that government acts. I mean, we know in 1996 the New Democratic opposition was adamantly opposed to welfare reform, and they voted and sort of got the troops out to the committee hearings to present their point of view and voted against welfare reform. So we know that they act in different ways at different times for different reasons.

We do know that subsequent to 1996 when they voted against welfare reform—and I think it was my honourable friend who presented a resolution to his NDP annual meeting that said that people have rights. They should not be required to work and volunteer, or they should have no work expectations placed on them in order to receive welfare benefits, that they had a right and that there was no obligation, people should not be obligated to do anything, that there was not any reciprocal give and take to welfare. It was a right that everyone should have, and we should not require people to take any responsibility for their life or their actions. So we know that that was back in 1997.

Now in 1999, they are looking at mischievous amendments to legislation that really are not necessary and trying to sidetrack from the issue of people taking responsibility and taking some obligation for contributing in some positive way to society. We know that is the difference between them and us. So we have

now a situation where my honourable friend does not think that the Addictions Foundation has the ability to train front-line workers—

An Honourable Member: When did he say that?

Mrs. Mitchelson: Well, he is wondering who is going to do the training and how much. I guess that is the question. I indicated in my answer before—obviously, he was not listening—that we will be working with the Addictions Foundation, the St. Norbert Foundation and others within the community to ensure that our front-line workers are trained to help to understand the issues surrounding addiction and to ensure that people who are suspected of having addiction problems are referred for the expert assessment that will, in fact, determine whether they need treatment or not. So I repeat the answer that I gave in my previous response, but I just find it very interesting to see the New Democratic opposition talk about government's different processes.

* (1110)

I do want to indicate, too, that since 1996 and since welfare reform was initiated, which the NDP voted against, it is the first time in two decades that we have seen the number of welfare caseloads decrease. So, obviously, there has to have been something positive that has happened as a result of welfare reform, and this is just another step to try to ensure, now that the economy is booming and we know that there are jobs available, that we connect employable people to the job opportunities that are there.

Mr. Sale: Very briefly, the puzzle for us, and for me in particular, in the minister's attitude is that she says in her words what our amendments say in their substance. She says that they would not cut someone off social assistance unless expertise had been brought to bear, and she mentions specifically addiction expertise, and she is wanting to give the committee that assurance. I accept that assurance. I believe that that is what she intends. Of course, that is what our amendment intends. So, as with the past two amendments, the minister's words are we agree with your amendment. The minister's caucus votes against what she says she believes in. So it

is puzzling for us because she calls her own words mischievous. She has called all our amendments mischievous, and yet in all of her remarks, in a very, I think, quite thoughtful way, she has affirmed the substance of every one of them.

So I expect they will vote against this amendment. I am sorry about that, but I remain puzzled by the attitude that these are important issues and that she agrees with them, but they are already doing this, and so, by our raising them, we are being mischievous. This is very puzzling.

Mr. Toews: I have listened to the comments by the minister presenting the bill, and I have also listened to the arguments in favour of the amendments. I look at the plethora of amendments coming forward from the NDP. I guess the question it really raises in my mind is: where do they stand on workfare? What we see right here is a very intricate, elaborate attempt to avoid the issue. I mean I would be much more comfortable in considering these amendments if I did not have the suspicion that there is some type of ulterior motive.

We know the member for Burrows (Mr. Martindale) has specifically passed a resolution or supported a resolution, and I believe the NDP caucus has supported this resolution because he brought that resolution on behalf of the caucus, saying that they are against any connection with a requirement to work for social assistance or welfare benefits. So we know that that is their position, and yet they have never centrally addressed the question of where they stand on this bill. Each and every one of the amendments, Mr. Chairperson, in fact avoids the issue, raises red herrings, tries to set them up as caring, sensitive people, when in fact all they are doing is trying to divert any attention from their philosophical opposition to this particular bill.

So I have a great deal of problem supporting these amendments, especially in view of what the minister has said in respect of the policies of the department. Why is it that the member has not stood up in his place and repudiated the resolution that he and his caucus members support, that they will not support any law connected with work and the payment of

benefits? If that was not there, maybe I could see these in a different light.

Right now I am very suspicious that there is an ulterior motive and, as the minister has suggested, that all of these legislative amendments are simply here to create some mischief. Now I am not, I guess, insightful enough to understand the pattern that is developing here. All I see is amendments along the side, along the periphery, no affirmation or denial of the resolution that the NDP caucus stands for as against workfare or tying the benefit of social allowance payments to some kind of a reasonable work program.

As I understand this program, we are dealing with able-bodied people who, by any reasonable definition, should be able to take advantage of some of the many employment opportunities in a booming economy that this government has worked very hard with private sector and not-for-profit sector to create. And where do the NDP stand on it? They are not telling us. We know two years ago what they said, and they have not repudiated it. Now they are just simply bringing amendments to, I think, divert attention from their philosophical opposition to the bill. For those reasons, I have a lot of difficulty in supporting this amendment or any other amendment because I believe there is a hidden agenda. They will not come clean with this committee, and I have a very difficult time supporting things where I believe there is a hidden agenda.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

Formal Vote

Mr. Martindale: Count out, Mr. Chairperson.

Mr. Chairperson: A count-out vote has been requested.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.

Mr. Chairperson: Six to four. The motion is accordingly defeated.

Mr. Martindale: I move

THAT section 3 of the Bill be amended by adding the following after the proposed subsection 5.5(2)--

Mr. Chairperson: Order, please. Could I ask the honourable member, if he would like to have a discussion, to take the member with whom he would like to have that discussion to the back of the room. It was very peaceful till the member walked in.

Mr. Martindale:

Availability of addiction treatment program

5.5(3) No applicant, recipient or dependant is required to comply with subsection (1), and no assistance shall be denied, reduced, suspended or discontinued under subsection (2), unless the applicant, recipient or dependant has community-based access to the addiction treatment program without cost to him or her.

Motion presented.

Mr. Chairperson: The amendment is in order.

* (1120)

Ms. McGifford: I just want to say a few words in support of this amendment. Quite clearly the amendment has been moved to suggest that if an applicant, recipient or dependant is not in a position to access treatment, then it would be injudicious, it would seem to me, and very unfair to penalize that individual. We are very

concerned about treatment in our community. I know that the minister has talked about extra monies going into addiction treatments. On the other hand, we are aware that the Laurel Centre, for example, which provides services for women and addiction counselling for women, has a 15-month waiting list. This is just one example. We are also aware that the St. Norbert addictions centre, on hearing about the announcement of extra monies, believed it to be long overdue.

Now one of the things that particularly concerns me as the critic for the Status of Women is, of course, treatment for women. I am aware that the research suggests that the best treatment for women is residential treatment—we have discussed this before; I am sure the minister remembers it—women to have their children with them and for this treatment to take place without their partners or in fact separated entirely from men. The reasons for this are that women become addicted for very different reasons than men do. Women continue to be addicted for very different reasons than men do. Sometimes the presence of men can be threatening, detrimental. I have heard reports from certain individuals that they had very unfortunate experiences at the St. Norbert centre, which, of course, was a mixed facility and, I believe, continues to be a mixed facility.

So the reasons for our amendment are that we cannot force individuals into treatment if there is not any treatment, and consequently I would like to support my colleague's amendment.

Mrs. Mitchelson: I want to thank my honourable friend for her comments because I know we have had this discussion in the past. I want to indicate that the City of Winnipeg, when they had the employable caseload, had some expectations that people would enter or be involved in treatment programs if they had addictions. I guess one of the issues for me when we amalgamated the system was why should we not try to ensure that every opportunity is afforded to single parents who may have addictive problems, and what impact is that having on their children. I mean, quite frankly, addictions are very often extremely costly. On a welfare cheque, which needs to be stretched to its fullest to try to ensure that

families and children are being supported and nurtured and well fed, if you have a single parent that is supporting an addiction, we naturally have to have a concern about how much money is going towards the children. It is very important as we look to try to break the cycle of dependency and poverty, and again, a life of welfare is a life of poverty. There is no question. I do not think that will ever change because I do not see any government of any political stripe right across the country that is saying we will pay welfare rates that will take people out of poverty. The best way to move people out of poverty and break that cycle of dependency is employment.

So we are striving to try to ensure that not only the single parent who might have an addictive problem but the children of that parent have the kind of support that they need to get a good start to life. That is why we have put in place programs like BabyFirst and EarlyStart. Every child or every infant when they are born now is going to be assessed. We do know that this year alone a thousand children will be supported through the BabyFirst program, where mentors will go right into homes and work with moms and children. Those parents who are identified who may have an addictive problem will certainly be the kinds of families that will be supported through our BabyFirst or EarlyStart programs. So we are trying to ensure that the early identification and treatment and the support for families is there.

So I guess I want to assure my honourable friend that the new money, and there was over a million dollars that went into treatment programming last year, the \$500,000 that has been earmarked this year, is very much focused on trying to ensure that the Addictions Foundation, St. Norbert, the Laurel Centre and others out there in the community that are doing good work have the opportunity to help design the programs that meet the needs, and specifically the needs of single parents who have addictive problems. Because as much as we are concerned about trying to break the addictive pattern, we are very concerned about the children in those families and ensuring that they get the proper nutrition and the proper support to give them an equal start to life as other children have.

Ms. McGifford: I will be brief. I thank the minister for her remarks. I think I probably agree with much of what she said. I am very aware of the painful nature of living with addiction on a personal basis, so I thank the minister for her remarks. However, I do not think she addressed the point of the amendment. The point of the amendment was that it is unfair to penalize individuals for not entering addiction treatment programs when the addiction treatment programs are either not available or not effective, and in many cases both, particularly I believe when it comes to treatment for women.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

An Honourable Member: No.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

Formal Vote

Mr. Martindale: Count out, please, Mr. Chair.

Mr. Chairperson: A count-out vote has been requested.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.

Mr. Chairperson: Six to four, accordingly defeated.

Mr. Martindale: I move

THAT section 3 of the Bill be amended by renumbering the proposed section 5.6 as subsection 5.6(1) and by adding the following:

Availability of parenting support program

5.6(2) No applicant, recipient or dependant is required to comply with subsection (1), unless the applicant, recipient or dependant has community-based access to the parenting support program without cost to him or her.

Motion presented.

Mr. Martindale: I think we will keep this short.

Mr. Chairperson: It is in order, by the way.

Mr. Martindale: I am glad to hear it is in order. We will keep this short because these amendments are all quite similar. They all ask for community-based access to programs without cost to the client. The reason is that we think that it would be unreasonable, first of all, to expect people to have to pay for transportation if a program was not available in their community or nearby. Also, there is nothing in the bill, and since we have not seen the regulations, we do not know what is in the regulations. We have no way of knowing if this legislation prohibits a cost to the client. So these amendments are all similar to various clauses in that we believe that community-based access is important, and at no cost to the client is also important.

* (1130)

Mr. David Faurschou (Portage la Prairie): I do not mean to be critical of the Chair's nonrecognizing of my indication to address the committee on the last point. However, I just want to say, specifically, I do not have the history of who voted for whom in past legislations or anything to that effect, so my commentary is specific to the amendments that are before us today.

I believe it has been reiterated time and time again that effectively no person should ever be denied their social assistance on the basis of there being a scarcity of spot for treatment or for education or for parenting. That is very clear. I believe that what I have learned over the years insofar as to bring amendments forward and to place in legislation makes it a very cumbersome legislative act and offers more opportunities for

litigation to take place, like being specific here, without cost. By whose definition is a cost? It is an extremely wide-ranging assessment and definition of that one word. To place this in the act, in my mind and I am certain of others, the opportunity for litigation and interpretation would be endless. I believe that we want to particularly deliver the program, and I do not believe that there is a person in the province that wants not to afford the ability to change one's path in life if it involves addiction.

I do want to say at this time, Mr. Chairman, that the programming is being expanded. I know first-hand in Portage la Prairie the residential adolescent treatment facility for addictions is being located in the constituency of Portage la Prairie at the former air base. That program operated by the Addictions Foundation of Manitoba will be a significant enhancement of addiction treatments. I believe that the government is moving in the direction to provide for the people of Manitoba, and it has been significantly enhanced.

Having made those points on all of these similar amendments, all relate to that particular word "cost." So I would ask that the committee members consider that in their deliberations. I am not in favour of the amendment. Thank you, Mr. Chairman.

Mr. Sveinson: I have been here with the committee looking at these amendments. They have been characterized by some as mischief by the NDP. I was trying to take a real, good look at them to see exactly how it could be characterized as mischief, and I see now. If you look over these amendments that they have here, it is either implied or assumed and in most cases it says it outright. No applicant, recipient, or dependant is required to comply. That is in most, and if it is not there it is assumed or implied. We know, and I guess this just backs up, what they are after, what they are trying to do. We know what their idea of workfare should be and we know that they do not believe in it in any shape or form. This is their way of giving anybody a way out. So very definitely, I do not go along with these amendments.

Mr. Toews: I would just like to continue on with some of the comments that the member for

La Verendrye has made. We know the position of the NDP on workfare is very clear, and I refer here to a caucus report. There is a caucus report of the NDP to the 34th Constitutional Convention of the Manitoba New Democratic Party. I do not know if this is—

Mr. Chairperson: Order, please. Could I ask the honourable Minister Toews how this could be relevant to the amendment that is before the committee at this time?

Mr. Toews: I certainly will. What this demonstrates is in fact the mischief referred to by the member for La Verendrye. The intention here is Mr. Martindale, it says, re Family Services with his caucus report says: Encourage the provincial government to introduce legislation guaranteeing the rights of social assistance recipients, including the right to a level of assistance adequate to meet one's need, the right to appeal decisions which limit or deny assistance, and—and, so it is conjunctive—the right not to have to participate in work or training programs, i.e., that is, workfare, in order to receive assistance. So that is exactly it. The mischief that they are trying to do here is to undermine the whole concept of workfare. It is their party policy. They do not agree with the principle of the bill, and so by mischievous motions of the nature that Mr. Sveinson has indicated, they are in fact trying to undermine the principle behind the bill. With each and every one of the amendments, they continue to do it. On that basis, I simply cannot support these amendments.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

Formal Vote

Mr. Martindale: Count out, Mr. Chairperson.

Mr. Chairperson: A count-out vote has been requested.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.

Mr. Chairperson: The amendment is accordingly defeated.

Mr. Martindale: I move

THAT section 3 be amended by adding the following after the proposed subsection 5.7(1):

Student social assistance program

5.7(1.1) Where regulations for the purposes of subsection (1) require applicants, recipients or dependants to undertake education or training, the regulations shall provide for a student social assistance program to cover their expenses in relation to the education or training.

Motion presented.

Mr. Chairperson: The amendment brought forward by Mr. Martindale is out of order. It directly has an expenditure on public funds.

Mr. Martindale: I move

THAT section 3 of the Bill be amended by adding the following after the proposed subsection 5.7(2):

Availability of education or training

5.7(3) No applicant, recipient or dependant is required to comply with subsection (1), and no assistance shall be denied, reduced, suspended or discontinued under subsection (2), unless the applicant, recipient or dependant has community-based access to the education or training without cost to him or her.

Motion presented.

Mr. Martindale: This amendment is similar to others, which would say that there should be community-based access and at no cost to the individual. You know, we know that this government is denying access to education and training to people in a variety of ways. This is the government that eliminated the Student Social Allowances Program that allowed students who were living on their own to continue with their high school education, which was why we tried to amend this flawed bill. We know that this government has eliminated the New Careers program, that they have cut the Access program, that they have almost totally eliminated the SOSAR program, all of which helped people on social assistance or most of whom are on social assistance to pursue an education. We see that as an investment. We know that right now there are limits to training. We know that people have difficulty getting funding for even training. We have heard that there is a limit to the number of weeks of training. We know that there are extensive rules when it comes to training.

For example, a single parent contacted me, said that she applied for a training program. She was told that, no, she would not be allowed to take the training program because the government had trained her 18 years ago when she was in a hairdressing course. So, you know, we are talking about once-in-a-lifetime training. That is this government's idea of investing in training and education. The minister has implied, in previous debate in the House, that child care will be available, whatever people need. It really makes a difference whether people have accessible child care, just to use that as an example.

* (1140)

For example, I visited an adult literacy program at William Whyte School. There was an individual who was enrolled there who lived in East Kildonan, spent two hours on a bus in the morning, two hours on a bus in the afternoon, had to take her child to a child care centre by bus, and take a bus to the centre, and then repeat it all in the afternoon. Well, I predicted that she probably would not last very long without accessible child care, either close to where she lived or close to the school or in the school. I

contacted the instructor a few months later and indeed, this individual whom I had met, who was willing to make tremendous sacrifices, spending four hours a day getting to and from an adult literacy program, did indeed drop out.

I know of another example where a grandmother who phoned me about her granddaughter who was 17 years old, had a baby. She said to her granddaughter you have until this child is six years old, then you will be expected to get a job or be in school. So this individual wanted to go to an adult centre, and she was turned down. Her worker insisted that instead she take a parenting course which she felt she did not need. She reluctantly took the parenting course, then asked to go to adult literacy and was told, no, we have already trained you.

Now that is not helping this individual get into the paid workforce. That is not real education and training. Fortunately, because the grandmother contacted me, and I had offered to publicize this case, as is often the case with a threat of publicity, the government approved the adult literacy program. But not everyone knows that they can phone an MLA and get publicity and then get what they need to get into the paid workforce.

So what we are asking here for is community-based access to education and training without cost to the individual because we think that this is an investment in people and helps them to get into the paid workforce rather than becomes a barrier to the paid workforce.

Mrs. Mitchelson: I thank my honourable friend for his comments, and I do know that all of us from time to time have individual circumstances that need to be drawn to the attention of someone that might be able to provide some help and some support.

I would ask my honourable friend if in fact he had a single parent that came to him for assistance and was looking to improve her circumstances through training and anecdotally or whatever she indicated that there was no support available for her because she had been trained 18 years ago, I would hope that he did not just leave it there and wait. I do not know

when this was, but did he contact anyone within our department? Did he advocate on her behalf and was there any result?

Because I do know that from time to time my honourable friend comes forward with issues around case specifics, and we try to accommodate and find some solutions or some answers. I would hope that he just does not put these comments and these individual issues that are raised by constituents or whoever in a file to be used at a time when it is politically expedient, but that he would bring them to our attention at the earliest opportunity and advocate on their behalf to get the kind of support or service that they deserve.

So I do want to indicate that I know that my honourable friend does call people within my department when he has an issue, and I would believe that in most instances staff in the Department of Family Services try to help wherever possible in getting to the bottom of the issues and seeing whether there is not some support available.

I do, again, want to indicate that there are training programs and opportunities available. I want to indicate that as a result of this announcement, we have got another \$1.2 million within the budget this year specifically for some of our workfare initiatives in order to provide transportation, child care and other supports that might be necessary to train people, along with our commitment that we will continue to the Taking Charge! program, our commitment that will continue to Opportunities for Employment and our commitment to continue with other training options through the Department of Education and Training.

You know, my honourable friends like to go back to the past and talk about programs that—the Access program, for instance, and blame us for cuts. I want Manitobans to know that Manitoba did not cut their funding to the Access program. The federal government took their funding away completely. We still support the Access program, as a provincial government, to the level that we supported it before. The federal government is no longer at the table. I mean I know that when that happened and the federal government did make those cuts, I think that all

parties within the Legislature in Manitoba condemned the federal government for that activity. But we have maintained our commitment as a provincial government.

So I know that my honourable friends in the opposition would like to leave on the record that we have cut the Access program, and I want the record to be clear that we have not. The federal government may have changed the way they fund things, but we have not made those kinds of changes.

I do want to indicate that there are new and evolving training programs that are available. They are not the old programs of the past where training was done for the sake of training, but we are training people to help them move into the jobs that are available in today's economy. So I make no apologies for that, and I have to indicate that we will continue to try to do our best to ensure that training and education programs and supports are available for those who are wanting to move out of a cycle of poverty on welfare into independence and employment opportunities.

Hon. Linda McIntosh (Minister of Environment): Mr. Chairman, I have been listening and following this debate here as a committee member, not wanting to repeat things that have already been said by others, but I am concerned, as I listen to the debate unfold, that I am not hearing, as I thought I might, the position of the New Democrats on this issue. I am hearing amendments, and I do not have any trouble with the amendments except they are redundant, they are axiomatic, they are more or less stating: please make an amendment that water is wet. I mean, it is stating something so obvious in most cases that it is just not necessary to say it.

Obviously water is wet, but obviously if we have Workplace Safety and Health regulations, an act saying that these people are covered, it would be redundant to have to go then to all the other acts—I guess we could—and do a cross-reference, but why would we? It is not necessary; it is not needed. It is redundant. It also, then, sets a precedent whereby, if you do not cross-reference, it could be implied that perhaps it is not covered, which of course we do

not want to get that impression in our interpretation of legislation.

I guess what I am concerned about, Mr. Chairperson, is that I am beginning to agree with Mr. Toews, that perhaps these amendments are being brought forward so that there can be lots of verbal activity at the table rather than getting to the heart of the matter, is this act worth passing. I still have not heard the New Democratic position. Mr. Toews mentioned the resolution brought forward to caucus condemning workfare by the member—

Mr. Chairperson: Order, please. May I ask the minister if she could refer her comments to the proposed amendment brought forward by Mr. Martindale.

Mrs. McIntosh: Okay, thank you, Mr. Chairman. In terms of the amendment brought forward specifically, here is another where the member is talking around the issue without talking about the heart of the issue, because he talks about less money to Access and again reveals something very fundamentally different about the New Democrats and us. The number of people enrolled in the Access program has increased substantially every single year for the last four or five years, at least certainly during the time that I was Minister of Education. Every year the numbers enrolled in Access increased by close to a hundred, and the number graduating increased very significantly annually. So if he is looking for results, then he should look at the numbers that are entering Access and the number graduating from Access rather than the amount that is spent on Access, but it is an unfortunate predisposition of the New Democrats that they tend to look upon the money spent as opposed to the results obtained, and that concerns me.

* (1150)

I think it has been made very clear that no one is going to have their social assistance cut off if they do not register in training if there is no training there for them. That would be completely contrary to the whole intent of that section. It is a contraindication. It does not make any sense. I am beginning to suspect the motivation for the resolution when I see that not

only did a resolution come forward of Mr. Martindale to caucus in '97, to the House—to the Chamber came forward a resolution again from Mr Martindale saying:

WHEREAS workfare is a coercive and oppressive system which robs social assistance recipients of their dignity, and a whole long list of WHEREASes, including that the United Church had passed a resolution rejecting participation in workfare. He then brings forward: THEREFORE be it resolved that the Legislative Assembly of Manitoba urge the provincial government to consider refusing to implement or participate in any employment programs which force social assistance recipients to accept employment which they have not freely chosen to do or force social assistance recipients to involuntarily participate in work programs as a condition of eligibility for their welfare allowances.

When I see that these two very strongly worded condemnations of workfare have come forward on behalf of the NDP, both to their convention and to the Chamber, I have to wonder why then, instead of talking to the heart of the issue and saying what is now your public position on workfare, why do not they talk about the meat of the issue rather than bring forward redundant amendments that really if passed would make no change to the bill? They would not have any effect on the bill at all except to just restate the obvious.

I think, Mr. Chairman, that the NDP have strategized that it is very important for them, if they have any hope at all in the upcoming election, to pretend to be Tories; therefore, they are pretending to support balanced budget legislation. Yesterday the members of this committee said that they do not support balanced budget legislation. They voted for our balanced budget, but Mr. Martindale and Mrs.—

Mr. Chairperson: We are starting to drift from the relevancy.

Mrs. McIntosh: No, I think it is very relevant, Mr. Chairman, because it is questioning the motivation for the amendments. It is part of a strategy to get pretend Tory votes and not to talk to the heart of the substance of the matter.

Mr. Chairperson: I thank the honourable minister for that.

Mr. Faurchou: I thought I had said my piece with the last amendment that was brought forward, but the honourable member who has brought forward this amendment made statements that were very erroneous, and I vehemently oppose some of those broad-brush-type approaches to assessment and evaluation of programming, to say that it is not working and the government is not supporting.

I am going to speak specifically of Portage la Prairie insofar as this government has shown its support in all facets for persons that are looking for a hand up. Insofar as the programs that were already mentioned by the minister, BabyFirst and others in that respect, the Portage Learning Centre, supported by Manitoba Education and Training, as well as the Portage la Prairie School Division are instruments that are providing for the people of Portage la Prairie.

Mr. Chairperson: Could I ask the members if they want to carry on their conversation to do so at the back of the room. You know, we were fine till you got here.

Mr. Faurchou: In co-operation, it has brought forward a partnering for offering child care facilities on there, as well as they have also partnered with the Youth for Christ facilities in Portage la Prairie, which, in turn, has partnered with the friendship centre, who, through support from the Children and Youth Secretariat involving the Ministry of Northern and Native Affairs. All of this has come together.

Yes, there will be exceptions to even the most finely tuned and well-thought-out program, but I must reiterate that I have seen nothing but support for extended programming and funding to help people in need and to provide the assistance that is required to allow for persons to improve their lot in life.

To make such a broad-brush statement is totally out of order and misleading. Thank you, Mr. Chairman, for the committee's indulgence.

Ms. McGifford: I want to speak in favour of this amendment. I want to make the point that

this particular amendment and, indeed, this whole series of amendments are making the point that this bill will not work without resources in place. What we are requesting, and the reason for these amendments, is that we want to have resources in place. The resources must be in place if this bill is to work. The reason for this particular amendment, and the reason for the other amendments, is because what we see over and over again is an obligation on an individual to seek services. Indeed, an individual with an addiction, we would certainly support that individual seeking services. But, if there is not an addiction program, then that individual cannot be treated. Our series of amendments is asking that the services be in place.

The same goes for a parenting program. Yes, take a parenting program, but if there is no parenting program, then an individual cannot take a parenting program.

Now, to address this particular amendment, the availability of education or training, many individuals would love to access training and education, but there are barriers preventing that individual from continuing with his or her education and training.

I know that my colleague from Burrows addressed briefly the issue of child care. Just to continue, I think all of us as MLAs know that child care is an incredible impediment for many individuals with continuing education because child care is not necessarily available. I know that no less a prestigious organization than the Winnipeg Chamber of Commerce has recognized the need for child care and the importance of child care.

I would like to quote from their document entitled Report of the Child Care Task Force to the Council of the Winnipeg Chamber of Commerce. They point out that an ever-increasing number of employees need good quality child care for their children. Their search to find it and the need to pay for it can have a profound effect on their ability to attend to their work and be productive.

I could go on and make a number of statements, but my point is that child care is not always available in the community where an

individual lives. Indeed, I think the minister knows—we have had this discussion before—that I have reason to believe from talking to many child care directors, that our child care system could be very seriously endangered because there is a shortage of child care workers.

So the point of this amendment, just to sum up quickly, the point of this series of amendments is that this bill requires to have certain resources in place before the legislation can be effective. That is why we are proposing these amendments.

Mr. Chairperson: The hour being very near twelve o'clock, what is the will of the committee at noon? Is it rise, or are we extending it?

Mr. Martindale: Can we sit till 12:30?

Mr. Chairperson: Is that the will of the committee, that we sit till 12:30 p.m.? Agreed? [agreed]

Madam Minister, in response.

*(1200)

Mrs. Mitchelson: Mr. Chairperson, I just cannot leave those comments not responded to because one of the reasons for bringing in this legislation now is because we do have the support programs in place.

You take a look at the programs that have been announced and implemented under the Children and Youth Secretariat, over \$25 million last year and another \$25 million this year in early intervention and support programs, and we do now have, through the Women and Infant Nutrition Program, parenting programs right throughout the province of Manitoba. We are continuing to ensure that every community is served.

We do have our BabyFirst program, run through the regional health authorities, out in all areas of the province up and running now. We have the money within this year's budget to make sure that those programs are fully implemented. We have with this year's budget, 50 EarlyStart sites throughout the province of Manitoba that are working with parents and

children. We have the FAST program. We have an additional over \$5 million this year in child care funding. We had \$5 million last year, and our announcement with workfare included another \$1.2 million for transportation and for child care.

So, this legislation can now be implemented because the programs are there. They are across the province, and we do not need the kinds of amendments and the comments that the members of the New Democratic Party are bringing in that say that we need programs in place. The programs are there to support children and families. That is one of the reasons that we were able now to bring in legislation that placed some expectations and some obligations on people because the programs are there, are supported and are funded.

We will continue to ensure that the resources are there for addictions treatment and developed before we proclaim that part of the legislation, but I have to say that on the parenting side and nutrition side the programs are there, and they are available right throughout the province.

Mr. Sveinson: Mr. Chairman, I guess I have said it in part already, but I think it deems saying again, what we have heard here is many different ways of saying or giving people a way out. As I have said, and it is the common thread throughout all of these amendments, no applicant, recipient or dependent is required to comply.

Mr. David Faurshou, Vice-Chairperson, in the Chair

I believe the NDP plan here is that if we passed these amendments, then the NDP would be able to vote for this workfare legislation, trying to give the people of Manitoba the impression that they are indeed for workfare. Indeed, what they would be doing or we would be doing in total is rendering this legislation useless.

Mr. Chairman, I know the people in the general public would call and will call these amendments and the people who brought them forward hypocritical.

Point of Order

Mr. Martindale: Mr. Chairperson, on a point of order, I think you would be advised to caution the member on using a word that has been found to be unparliamentary and is on several lists in Beauchesne.

Mr. Vice-Chairperson: There is no point of order. It is clearly a dispute over the facts. However, at this point in time, I will remind all honourable members of this committee that this committee is an extension of the Chamber and all House rules exist within this committee.

* * *

Ms. Cerilli: Mr. Chairperson, I just want to make a request of the minister based on her last answer where she listed a number of programs funded through the clawback in the National Child Benefit, I might add, for the most part, through the Children and Youth Secretariat—I would like to ask and get her to make a commitment to provide us with a list of where those programs are and which agencies they are partnered with, because we know that there are communities that do not have the kinds of supports that my colleagues have talked about, the kinds of programs that are in place. We do casework on behalf of our constituents on a regular basis where people are denied support for the kind of training that they require. They are dealing with a situation where they have very low literacy rates and require a lot of upgrading before they are able to get into the kinds of training programs that will actually see them get the kinds of jobs that are going to support their families. So I would just hope the minister would make that commitment to provide us with that information so we can do the kind of follow up on this issue that it warrants.

I just want to also say that these amendments are necessary because we deal already with people who are in a situation where they are not able to find the kinds of programs that they require. I think what we want to point out is that while the minister is saying and the members are saying that these amendments are redundant and the supports are there, that is not what people in the community are experiencing. If we were to rely on policy the way that the

minister is saying this bill is going to be dealt with and through regulation, we would not have any legislation in Manitoba. The government is asking us to trust them. They are saying they support our amendments in principle, but then they are not voting for them. They are voting against the amendments. So I think that we want to deal—

An Honourable Member: Where are those cases you are talking about?

Ms. Cerilli: We have letters, Mr. Chairperson, that we send on a regular basis on behalf of our constituents.

Mrs. Mitchelson: It is interesting that my honourable friend would raise the issue of wanting lists of where programs are available when we just went through 240 hours of Estimates, and they did not even call the Children and Youth Secretariat during the Estimates process to ask the kinds of questions that they could have asked to find out what is happening through all kinds of new programming and new resources that have been put in place.

So I will undertake to provide all of the information on all of the programs, as I would have done during the Estimates process, and I would have been able to provide great detail and some of the success stories and letters that people have shared with me as a result of the new programming that has been put in place. I would encourage my honourable friend, too, if she does have individuals who have had difficulty accessing programs, that she does not sit on those letters but, in fact, she brings them forward to the attention of the most appropriate people within the bureaucracy so that we can attempt to address the case specific issues.

Mr. Chairperson in the Chair

So I just wanted to put that on the record and indicate that I wish we had had several hours during the Estimates process that—[interjection] Well, my honourable friend says we did last year. So they placed a priority on children last year, but they did not place a priority on children this year. I am quite prepared to provide all of the information on all of the programs that have

been lauded as being quite successful by many nonprofit and community organizations that are delivering those programs to the people within their communities and within their neighbourhoods.

Mr. Toews: Well, I think what this debate is, in fact, demonstrating very clearly to me—and I think the member for Assiniboia (Mrs. McIntosh) again made a very important point in this respect. Not only did the member for Burrows (Mr. Martindale) raise a resolution at the NDP caucus, but indeed he reinforced that. One might say, well, it was not really the member for Burrows who said that for the NDP caucus.

He was doing that on behalf of all of them. He did not really believe what he was putting forward at the NDP caucus. But when I review the Order Paper and the resolutions for the Third Session of the Thirty-sixth Legislature, 1997, and his resolution on workfare, it again reiterates the real reason why all of these amendments are coming forward. They are here to defeat the workfare plan. In his resolution it says: workfare is a coercive and oppressive system which robs social assistance recipients of their dignity. I mean, that is the philosophical basis from which Mr. Martindale is coming.

Then he states in his resolution—this is a private member's resolution—and I assume he believes this when he says: that the Legislative Assembly of Manitoba urge the provincial government to consider refusing to implement or participate in any employment programs which force social assistance recipients to accept employment which they have not freely chosen or which force social assistance recipients to involuntarily participate in work programs as a condition of eligibility for their welfare allowances.

So, again, Mr. Chairperson, has he changed his mind? Is there some merit to these amendments that he is bringing forward other than simply setting up a smoke screen where the intention is to destroy the legislation? Again, I cannot support these amendments when, in fact, the intention of the member is very clear from his own resolution. This is simply to set up a smoke screen. It is simply to destroy the bill.

This has got nothing to do with improving the bill when he is philosophically opposed to the entire concept.

* (1210)

So I would not mind working together with the opposition if, in fact, there was some genuine intent, but not only do we see the NDP caucus in its resolution to their membership which admittedly is a private discussion among members of the NDP, but when he brings it into the House and tries to have the Legislative Assembly pass this resolution and then now with virtually the same breath saying, yeah, I support it but let us just change it a little bit. Again, the member for La Verendrye (Mr. Sveinson) has essentially put it that what they are trying to do is put so many technicalities in the way so as to effectively destroy the program, and it is for that reason that I cannot support these formal amendments.

I know that the minister and her department have been working diligently to ensure that the supports are there, and I believe that the government, in fact, has committed vast amounts of dollars which the members opposite voted for. They voted for this. If they had changed their mind on workfare, why did they not raise it in Estimates, as the minister has pointed out? This is simply a smoke screen, and I cannot support the amendment.

Mr. Steve Ashton (Thompson): I just want to put on the record here the incredible inconsistencies of the Conservative members this morning when it comes to the amendments. On the one hand, at times when it is convenient, the minister says, well, you know, this is already dealt with in legislation and regulation. It is redundant. Then we have the member for Rossmere (Mr. Toews) saying, well, this is going to destroy the bill. If ever there was any indication that this is a desperate government afraid to go to the public, that is desperately looking for an issue and is flailing—they cannot make up their mind even on this bill whether they are for or against the amendments and substance—it is this morning.

You know, I want to say to the member who never once referenced the amendment in his

comments, who just made a blanket statement, he is not going to be confused by the facts. He is just going to vote against them. I say to the member for Rossmere, if he maybe spent a little bit of time visiting some of my constituents, by the way, who do not have ready access, I mean, I will take you to communities that a number of years ago had full employment: Thicket Portage, Pikwitonei. I will tell you what the situation is in those communities today. People, the grandfather used to work 35 years on CN. The father worked 15 years and was laid off. The kids and young adults have very little chance of getting any kind of employment or training. And you know what? I fought for that for 11 years in opposition. I fought for it the six years we were in government. Your government has done nothing for them, nothing. You cut New Careers. You cut Access. I say, when you look at the kind of amendments we are bringing in, we want to make sure there are real opportunities for people like my constituents.

I look at the member for Dauphin (Mr. Struthers), who is in the same situation. But you cannot have it both ways. I mean, what is the government really trying to say on these amendments? If the reality is, they are simply flailing around looking around for a political issue, they cannot have it both ways. I look to the minister, by the way. I came in the committee earlier, and I swore I heard her saying, well, this is redundant. Now we have the member for Rossmere (Mr. Toews), by the way, I am sure he did not even bother to read the amendments, because I am sure he did not want to be confused by the facts.

The reality is we have brought in a number of substantive amendments. Our position is we know this government has the majority, at least for the next period of time, maybe even longer. They do not have much courage politically right now or else we will be into an election. We know that. But if they are going to bring in an act like this, it is incumbent on us as legislators to bring in amendments, as we have done.

I believe we have 12 amendments. We have a number more to bring in. I just say to the member for Rossmere, and I say to the minister, deal with the amendments on their substantive basis. I find it amazing. By the way, actually I

do not find it amazing really. I suppose I should know the Conservatives better by now. They do not want to be confused by the facts. The do not want to have a substantive debate or discussion on this issue.

Let us not forget, after 11 years, they are bringing this bill in. They brought it in later on in the session. They brought it in after they had their campaign-style ads going. I mean, this is sort of, bring in an ad first and then scramble to put something together. That is not good public policy. We are being responsible. We are putting forward significant ideas that will ensure that the vulnerable in society have the real opportunities they want. I will point to one of the presenters that I heard, who said that what people want—and I will tell you, I can take you to the communities in my area with higher rates of unemployment. You know what? They want work. They do not want the kind of scramble together. I say to the member for Assiniboia (Mrs. McIntosh), by the way, maybe she should visit some of my northern communities, because this is relevant.

Mr. Chairperson: Order, please. Could I ask the honourable member to not put his comments to the member for Assiniboia but through the Chair, No. 1, and I have been bringing to the attention of people that we are dealing with an amendment at this time, if the honourable member could refer to that amendment at this time periodically so that I know that we are being relevant.

Mr. Ashton: I actually know which amendment we are debating, which is probably more than the member for Rossmere (Mr. Toews), and by the way, I was responding through you to the comments from the member for Assiniboia. I apologize for being distracted by her comments because, Mr. Chairperson, it is a serious concern.

Point of Order

Mrs. McIntosh: Mr. Chairman, as I was asking you, asking the Chair earlier, the comment to which the member for Thompson has responded was my request to the Chair when I said, on a point of order: is this really relevant to the amendment? That is what I said. That is what he is objecting to me saying. I find that highly

offensive on a man who stands up on a point of order every time the sun starts to shine or the clouds come over the sun. On a point of order, Sir, I was asking: is this relevant? You have answered that, and I thank you. The member for Thompson, I think, was out of order to respond without being recognized by the Chair on that point of order.

Mr. Chairperson: The honourable minister did not have a point of order. It was a dispute over the facts. I dealt with the matter.

* * *

Mr. Ashton: Mr. Chairperson, the member did not rise on a point of order. She was speaking from her seat. She knows that, and for her to suggest she was on a point of order is ridiculous. To get up on a point of order—

Mr. Chairperson: Mr. Ashton, order, please. Mr. Ashton, if you could refer back to your statements, and we could get back in the direction.

Mr. Ashton: Yes.

Mr. Chairperson: The Honourable Mrs. McIntosh, on a new point of order.

* (1220)

Point of Order

Mrs. McIntosh: I clearly had asked is this relevant to the point of order, looking at you as I asked it. Perhaps I did not say on a point of order. I should have, but it was clear that I was seeking guidance from the Chair. This is a point of order. The member has impugned my motives. He has essentially called me a liar, and I would ask that he withdraw his comments about my motivation. He imputed motives, and I resent it. I was seeking clarification. I thought he was really off topic.

Mr. Chairperson: I am not aware of what the member was impugning. I did not hear his exact statements. I will take it under advisement and get back to the committee at a further time.

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Mr. Chairperson: The honourable member, to continue with his remarks.

Mr. Ashton: Thank you, Mr. Chairperson. I just want to conclude by urging members of this committee to deal with the amendments on a substantive basis. We are dealing with people's lives. We are dealing with people. I will take you to any one of the communities in my constituency, and I will tell you people want the opportunity for work. They want the opportunity for training, and that is the spirit in which we are proposing these amendments.

I say to the minister, who I think earlier was being a bit more constructive in her approach, I would urge her to ensure that this hastily drafted bill does not leave people at risk in terms of the position they are in. The bottom line is if the minister is serious about any kind of legislation, regardless of the discussion in terms of the bill itself or any of those particular elements, I think our amendment should be dealt with on their merit. This amendment has merit. I would suggest the committee adopt it.

Mrs. Mitchelson: I have heard many comments from members of the official opposition on how hastily this bill was crafted and drafted and pulled together. I mean, I do know that we have been working through the Children and Youth Secretariat on the programming that has enabled us now to bring in this legislation for several years, but I also do want to indicate, I mean, they cannot have it both ways. They criticize us for legislation that came in at the last minute, and then they expect us to support ill-conceived amendments that were crafted together in the last 24 hours. So, I mean, they can have it all ways in opposition, because they do not have to be held accountable for anything that they say or anything that they do, just like they are not being held accountable, or they have not spoken to the issue of the resolution that was put before this House back in 1997, or the caucus resolution that was presented to their annual general meeting.

So, Mr. Chairperson, they talk about government. I guess, once and for all, I would like to hear members of the opposition indicate in this committee, because they have not done it in the House, they did not do it in Estimates, I do

not believe I have had a question on welfare in this session of the Legislature, that the NDP wanted us to get back into. If, in fact, this legislation was something that they needed clarification around, I would have thought that more of them would have spoken on second reading, that during the Estimates process, we would have had several questions around this legislation or the intent of this government, that during Estimates we would have had some questions on the programs that have been implemented by the Children and Youth Secretariat that has given us now the opportunity to put in place this legislation. So I want to make sure that the record is clear, and again, it always seems like the fixer, the member for Thompson (Mr. Ashton), has to come in and bail out the opposition when they are in trouble, and they do not seem to have the answers or they are not doing well.

I commend him because he does play a very appropriate role in his caucus. You know, as we saw him walk in the door, I mean, I was able to say: Well, here comes the fixer. He will fix it. He will try to get the debate going in a direction that focuses away from where the New Democrats stand on workfare and onto other issues that will try to deflect from the real issue here, and that is the question: do members of the New Democratic Party believe that there is some reciprocal responsibility for individuals that collect welfare if in fact they are able bodied and single, and there are jobs available?

Mrs. McIntosh: In response to comments made and questions asked about the amendments and the effect of the amendments, the member for Thompson would have been well advised to have heard the earlier debate to see the continuity and what he thinks is a paradox, in that amendments that are brought forward that essentially say: Let us pass an amendment that says that water is wet and grass is green and animals breathe, those are amendments designed to distract, to take attention away from the real issue, to put forward red herrings to be debated instead of the matter before us, to set up straw men that could be knocked down instead of dealing with real flesh and blood and meat and bones of the issue. In that sense, they are both harmless in that they do not have any impact on the bill, because if you pass them it does not

make one hoot of difference to the bill or how it is going to be played.

If you do not pass them, if you just spend all your time debating them instead of the issue, then you do destroy the opportunity for true and vital debate on the matters that count, because you have successfully then implemented your strategy, which is (a) to pretend to be Tories and fool people, and (b) to put other issues before the table to be debated rather than the real issue that you are scared to death of. You are afraid to take a position.

I think the member, had he heard the earlier debate, might have come to the table with more knowledge about how the strategy is being played out. Your strategy is apparent. We do see that you are trying to destroy the bill by distracting attention away from it, and I think that is really quite revealing of the desperation of the New Democrats who said that we cannot make up our minds when they—

Some Honourable Members: Oh, oh.

Mrs. McIntosh: Mr. Thompson said in his comments that they—Mr. Chairman, I am having trouble hearing.

Some Honourable Members: Oh, oh.

Mr. Chairperson: Could I ask the committee to come to order.

Mrs. McIntosh: Mr. Thompson in his remarks said that the government cannot make up their—Mr. Ashton from Thompson said that the government cannot make up its mind on this issue on the amendments. We are quite clear on the amendments. They are redundant. They are wasting our time, but for the member for Thompson to say that we cannot make up our mind when they have spent heaven knows how long doing everything within their power to avoid revealing their position on this issue is hilarious.

An Honourable Member: It is driving you nuts.

Mrs. McIntosh: It is driving me nuts. I have never seen such cowards, such cowardly

avoidance of an issue in my entire life, on an issue I would think so basic to what they have already brought forward, they would have the guts and the courage to say what their position is instead of trying to distract everybody by amendments that will clearly be played out in regulation as indicated by the minister.

Similarly, I find it amusing, absolutely amusing, that the member for Thompson sits at the table and says they are bringing in substantive new legislation in their last year. This is the member who a few months ago was saying the Tories will have no new legislation to bring forward because they are tired and old and have no new ideas. So we bring forward these new ideas that he challenged us to come forward. He said bring forward new ideas. We bring forward new ideas, and they say, oh, we did not mean that new idea. We are scared to death of that new idea. We mean, bring forward new ideas that we the New Democrats—

Mr. Chairperson: Order, please.

Some Honourable Members: Oh, oh.

Mrs. McIntosh: I think their performance today has been disgraceful and a waste of the people's time.

Mr. Chairperson: Order, please. I know we are getting hungry; we are getting tired. We have been here a while, but I still have some speakers who would like to come forward. It is twenty-five after. The committee is going to rise at—

An Honourable Member: It is 12:29.

Mr. Chairperson: It is 12:29, so the committee is going to rise in one minute.

The Honourable Mr. Toews, did you want to put some comments on this or do I put the question to the motion.

Mr. Toews: I do not think I can contribute anything further after those words by the member for Assiniboia (Mrs. McIntosh), but the suggestion here from the member for Thompson (Mr. Ashton)—he waltzes into the committee room. He is not a member of this committee and

has not listened to the conversations that were going on, and now from his seat accuses members of hiding in the Legislature after all winter saying we were not in the Legislature.

Mr. Chairperson: Order, please. The hour being 12:30, committee rise.

COMMITTEE ROSE AT: 12:30 p.m.