



**MANITOBA LEGISLATIVE ASSEMBLY**

To All Members of the Legislative Assembly of Manitoba

I have the privilege of presenting for your information, the Annual Report of the Legislative Assembly Management Commission for the fiscal year ended March 31, 2020.

Respectfully Submitted,

A handwritten signature in black ink that reads 'Myrna Driedger'.

Honourable Myrna Driedger  
Speaker of the Legislative Assembly and  
Chairperson of the Legislative Assembly  
Management Commission

# Composition of the Commission

## Members as at March 31, 2020

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Honourable Myrna Driedger, MLA  
Speaker and Chairperson

Honourable Kelvin Goertzen  
Government House Leader

Ms. Nahanni Fontaine  
Official Opposition House Leader

Ms. Audrey Gordon, MLA

Mr. Derek Johnson, MLA

Mr. Tom Lindsey, MLA

Hon. Ron Schuler

Mrs. Bernadette Smith, MLA

## Secretary to the Commission

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Ms. Patricia Chaychuk  
Clerk of the Legislative Assembly

# **REPORT OF THE LEGISLATIVE ASSEMBLY MANAGEMENT COMMISSION FOR THE FISCAL YEAR ENDED MARCH 31, 2020**

## **COMMISSION PROCESS**

This is the annual report to the Legislative Assembly of the Legislative Assembly Management Commission (the Commission) for the fiscal year ended March 31, 2020.

The Commission is comprised of the Speaker as Chairperson, four MLAs appointed by the Government Caucus and three from the Official Opposition Caucus. The Clerk of the Legislative Assembly is the Secretary.

During the 2019/2020 fiscal year the Commission held meetings on the following dates to consider various matters:

May 9, 2019	December 2, 2019
June 3, 2019	December 16, 2019
October 30, 2019	March 3, 2020

*The Legislative Assembly Management Commission Act* assigns the following duties and responsibilities to the Commission:

- carrying out those Rules of the Assembly and those provisions of *The Legislative Assembly Act* which relate to the financial management of the Assembly;
- reviewing the estimates of expenditure and the establishment of positions for staff required for the proper conduct of the business operation of the Assembly and for the Assembly offices and for the Auditor General, the Registrar appointed under *The Lobbyists Registration Act*, the Chief Electoral Officer, the Information and Privacy Adjudicator appointed under *The Freedom of Information and Protection of Privacy Act*, the Advocate for Children and Youth, the Conflict of Interest Commissioner appointed under *The Legislative Assembly and Executive Council Conflict of Interest Act*, and the Ombudsman and respective offices;
- in cooperation with the Government, providing facilities and services required by the Members of the Assembly, by the Caucuses of the various parties to the Assembly and by the Leaders of the parties in Opposition;
- formulating administrative policies in respect of the Clerk and the offices required for the administration of the Assembly, *The Legislative Assembly Act* and *The Legislative Assembly Management Commission Act*;

- maintaining a proper system of security for the Chamber and the Assembly Offices, subject to the administrative authority of the department of the executive government of the province charged with the responsibility for such security; and
- advising and giving directions respecting the efficient and effective operations and management of the Assembly.

Meetings are held in camera, however Officers of the Assembly and staff required to be present may attend. Members of the Assembly who are not Commission members may attend Commission meetings if so invited by the Commission.

Decisions about the following matters are not included in the minutes of the Commission and by statute must not be disclosed or made available for inspection:

- (a) a personal matter relating to one or more employees of the Assembly or to one or more assembly offices;
- (b) a legal matter involving existing or anticipated legal proceedings;
- (c) a matter relating to the preparation of annual estimates of expenditure of the Assembly and the assembly offices.

The Speaker must also ensure that the minutes circulated or posted do not contain information that identifies an individual.

As of November 2009, the minutes of Commission meetings, and the Annual Report of the Commission are posted on the Legislative Assembly website.

Initiatives undertaken by the Commission with respect to accessibility issues are to be reported in accordance with s.37 of *The Accessibility for Manitobans Act*.

This report provides an overview of the decisions and recommendations made by the Commission.

**2019/2020**

**LEGISLATIVE ASSEMBLY MANAGEMENT COMMISSION**

**DECISIONS/RECOMMENDATIONS**

## ***2020/2021 LEGISLATIVE ASSEMBLY ESTIMATES***

The Commission met on December 2 and December 16, 2019 to consider and approve the 2020/2021 Estimates for the Legislative Assembly and for the offices of the Independent Officers of the Assembly.

## ***ACCESSIBILITY ISSUES***

The Commission did not consider or approve any issues or proposals related to accessibility with regard to MLAs, Assembly and caucus staff or the general public during the 2019/2020 fiscal year.

In March, 2020, the Assembly switched to a different service provider for streaming the proceedings of the Legislative Assembly and Standing Committees of the Legislative Assembly. One benefit of moving to the new service provider has been that closed captioning is now available for the full day of House proceedings and for Standing Committee meetings and Committee of Supply sittings for those viewers who access audio proceedings through the Assembly's website. Previously, closed captioning was only available for House proceedings until the end of Oral Questions.

In addition, discussions have commenced between the Legislative Assembly Human Resources Services Branch and the Compliance Secretariat for *The Accessibilities for Manitobans Act* to discuss compliance readiness with *The Accessible Employment Standards Regulation*. By May 1, 2020, emergency response information to keep employees with disabilities safe during emergency responses must be provided, and to ensure those employees who require assistance during an emergency from others provide permission to share information with those who have agreed to help.

## ***AMENDMENTS TO THE LEGISLATIVE ASSEMBLY ACT/REGULATIONS RE: SEVERENCE/TRANSITION PAYMENTS***

Currently *The Legislative Assembly Act* classifies severance or transition payments to MLAs who chose not to run again in an election or are defeated as an allowance paid to Members when in fact such monies are payments and are not constituency allowances.

To remedy this, the Commission approved in principle having a change to *The Legislative Assembly Act/Regulations* go forward to change the references for severance and transition in the Members' Retirement Benefits Regulation and the Members' Salary Regulations from "allowance" to "payment".

The Commission agreed that the Government be given the responsibility for introducing a Bill in the Assembly that amends s. 52.21(3) of *The Legislative assembly Act*.

### ***APPOINTMENT OF AUDITORS TO PERFORM ANNUAL AUDITS OF THE OFFICE OF THE AUDITOR GENERAL***

There is a requirement for the Commission to appoint an external audit firm with no ties to the Government or the Legislative Assembly to examine the accounts of the Office of the Auditor General, with the appointment to be made every five years. A Request for Proposal is used as the vehicle to solicit bids for this contract. After receiving the results of the Request for Proposal, the Commission agreed to award the five year contract to the winning bidder, Craig and Ross.

### ***APPOINTMENT OF COMMISSIONER ON SALARIES, ALLOWANCES AND RETIREMENT BENEFITS FOR MEMBERS OF THE MANITOBA LEGISLATIVE ASSEMBLY***

*The Legislative Assembly Act* requires in s. 57.7(2) that a Commissioner is to be appointed within six months after each general election by the Commission to decide on the appropriate salary, allowances and retirement benefits. This section of the Act also states that if a general election is held less than 42 months after the last general election, the Commission may defer the appointment of a Commissioner until after the next general election. The September 10, 2019 provincial general election was held 41 months after the April 19, 2016 provincial general election.

The Commission agreed that as a result of the 2019 provincial general election taking place less than 42 months after the last general election a Commissioner would not be appointed.

The Commission reserved the right to make changes of a technical or administrative nature or to consider amendments necessary to address any unforeseen circumstances arising since the last commissioner's report in 2017 as per the following sections of *The Legislative Assembly Act*:

#### **Amendment by management commission**

52.13(1) The management commission may amend a regulation made under section 52.12 if

- (a) the amendment is of an administrative or technical nature; or
- (b) the management commission considers the amendment necessary to address unforeseen circumstances arising after the last commissioner's report was submitted to the Speaker under section 52.10.

**Amendment by commission**

52.13(1.1) The commissioner may amend a regulation made under section 52.12 if the management commission asks the commissioner to consider whether an amendment should be made to deal with a circumstance not addressed in the commissioner's report submitted to the Speaker under section 52.10.

**Amendment re retirement benefits**

52.13(2) At any time, the management commission may amend the regulations made under section 52.12 that deal with retirement benefits to ensure harmonization with other legislation.

In addition the Commission also has the ability to appoint a Commissioner to address specific individual issues that may arise as opposed to doing a comprehensive review of all salary, allowances and retirement benefit provisions.

***LEGISLATIVE ASSEMBLY AUDIT COMMITTEE***

In 2017, an Audit Committee was established for the Legislative Assembly consisting of the Speaker of the Legislative Assembly, the Clerk of the Legislative Assembly, the Executive Director of the Administration Branch and the Director of Finance.

The mandate of the Audit Committee is as follows:

The Committee shall:

1. Upon request by the Office of the Auditor General (OAG) for any audits performed on the Legislative Assembly, the Audit Committee will meet with the OAG to review audit plans and the Terms of Reference for the audit.
2. Upon completion of any audit by the OAG, the Committee will meet to discuss and review audit findings and audit recommendations, as well as accept the result of the audit.
3. The Audit Committee shall communicate audit recommendations to any Assembly office noted in the audit. The Audit Committee shall ensure that the results of all audits are reviewed, findings are followed up, and recommendations are implemented into operations when required, to the extent possible and practical.
4. The Audit Committee shall require written confirmation that all recommendations have been reviewed, that audit findings are followed up, and recommendations are implemented into operations when required, to the extent possible and practical.
5. The Audit Committee, at any time, can request an internal audit of any office in the Assembly.



6. The internal audit will be conducted by the Senior Financial Officer of the Legislative Assembly. If the Senior Financial Officer requires outside resources to conduct an internal audit, the request shall be made to the Committee and the Committee will have the authority to approve or deny the request.
7. Upon completion of any internal audit, the Committee will meet to discuss and review audit findings and audit recommendations as a result of the audit.
8. The Audit Committee shall communicate audit recommendations to any Assembly office noted in the internal audit. All internal audit results and recommendations are to be held confidential until the time the Audit Committee communicates the results to the office being audited.
9. The Audit Committee will require written confirmation that all recommendations have been reviewed, findings are followed up, and recommendations of the internal audit are implemented into operations when required.
10. The Audit Committee shall assess the effectiveness of existing internal controls and risk management measures and make recommendations accordingly.
11. The Audit Committee shall have oversight of compliance with statutory responsibilities relating to financial and other requirements.
12. The chair of the Audit Committee shall report to LAMC on the work of the Committee at the end of each fiscal year.

In accordance with item 12, the Chair of the Audit Committee, the Executive Director of Administration, provided annual reports of the Audit Committee to the Commission for the 2018/2019 and 2109/2020 fiscal year.

### ***LEGISLATIVE ASSEMBLY RESPECTFUL WORKPLACE POLICY***

In order to ensure that interactions between staff, managers, MLAs and the public are conducted appropriately and within the expectations of a modern, respectful workplace, the Commission approved revised and updated Respectful Workplace Policies for the Legislative Assembly.

The approved Respectful Workplace Policy appears as Appendix A.

In addition the Commission also approve that information regarding the *Respectful Workplace Policy: Addressing and Preventing Sexual Harassment, Harassment and Bullying* and related documentation be provided to all Legislative Assembly employees including Members of the Assembly, Constituency employees, Legislative Assembly staff (including Caucus Offices and Legislative Interns) as part of their onboarding process, more specifically when they sign up for payroll.

It was further approved that the classroom training on harassment be made mandatory for all current Legislative Assembly employees including Members of the Assembly, Constituency employees, Legislative Assembly staff (including Caucus Offices and Legislative Interns) with future training for new staff and MLAs to be conducted on line.

***LEGISLATIVE CHANGE TO S. 52.27(1) OF THE LEGISLATIVE ASSEMBLY ACT, TO CHANGE THE RESPONSIBILITY OF TABLING THE REPORT OF AMOUNTS PAID TO MEMBERS FROM THE MINISTER OF FINANCE TO THE SPEAKER***

A report known as the Report of Amounts Paid to Members appeared in the Public Accounts until the 2018/2019 fiscal year. The report had also been tabled in the Legislative Assembly by the Minister of Finance. In the 2018/2019 fiscal year, after meetings held between senior Legislative Assembly staff and the Auditor General and Provincial Comptroller and in consultation with the Minister of Finance, it was agreed that the Report of Amounts Paid to Members would no longer appear as part of the Public Accounts, but would instead be published and distributed by the Legislative Assembly and appear on the Legislative Assembly website.

In spite of this change, there is still a statutory requirement compelling that the Minister of Finance table the Report of Amounts to Members, even though the report is no longer prepared and released by the Department of Finance.

To remedy this situation, the Commission approved in principle having a Legislative change to s.52.27(1) of *The Legislative Assembly Act*, to change the responsibility of tabling the Report of Amounts Paid to Members from the Minister of Finance to the Speaker.

The Commission agreed that the Government be given the responsibility for introducing a bill in the Assembly that makes this change to *The Legislative Assembly Act*.