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of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

Official Report
(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
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LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, May 30, 2006

The House met at 10 a.m.

PRAYER

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

SECOND READINGS—PUBLIC BILLS

**Bill 210—The Workplace Safety and Health
Amendment Act (Harassment in the Workplace)**

Hon. Jon Gerrard (River Heights): Mr. Speaker, I move, seconded by the MLA for Inkster (Mr. Lamoureux), that Bill 210, The Workplace Safety and Health Amendment Act (Harassment in the Workplace); Loi modifiant la Loi sur la sécurité et l'hygiène du travail (harcèlement dans le lieu de travail), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Gerrard: Mr. Speaker, I move, as I have done, Bill 210, which provides for measures to reduce bullying in the workplace. It covers public and private workplaces. This legislation is a win-win; that is, a win for employers because it improves the environment in the workplace. It improves the productivity of workers. It decreases the number of workers who leave because they have been harassed in the workplace and improves things considerably in terms of the workplace, not only from a productivity point of view but also in calculations that have been done in significantly reducing costs related to rehiring people and various other things for employers.

On the other hand, it is also a win for workers, for employees. It is a win because it improves the environment in the workplace. It reduces the problems with bullying in the workplace. It reduces stress and anti-social activity in the workplace and creates a more harmonious environment.

Bullying is different from harmless incivility, rudeness, boorishness and teasing. Bullying is status-blind, interpersonal hostility that is deliberate, repeated and sufficiently severe as to harm the targeted person's health or economic status. It is driven by the perpetrator's need to control another individual, often undermining legitimate business interests in the process.

Sweden was the first country to protect workers against bullying in legislation that was passed in 1993. Australia is enacting laws state by state, and in North America, in Canada, Québec had the first anti-bullying law in the workplace which came into effect on June 1, 2004. Québec amended their Labour Standards Act to deal with psychological harassment in the workplace, and the amendment to Québec's Labour Standards Act defines psychological harassment as any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures that affect an employee's dignity or psychological or physical integrity and that result in a harmful work environment for the employee.

Québec's law also includes language which states that psychological harassment must not be confused with the normal exercise of the employer's management rights, in particular the manager's right to assign tasks and the right to reprimand or impose disciplinary sanctions. As long as the employer does not exercise these rights in an abusive or discriminatory manner, the actions do not constitute psychological harassment.

In Ontario there is a private member's bill, 126, which has been introduced but not passed. This bill defines harassment as including sexual harassment and harassment because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, age, record of offences, marital status, family status, disability, same sex partner status. It requires employers to ensure that every worker is protected from workplace-related harassment and to prepare policy and guidelines and requires harassment prevention training for workers, including those who exercise managerial functions.

The fact is that bullying in the workplace is much more common than we would like to believe. A recent reliable study estimates that approximately one in six U.S. workers have directly experienced destructive bullying in the past year. One of the problems with bullying in the workplace is what happened. In 37 percent of cases where bullying stops, it is because the target is either fired or involuntarily terminated; 33 percent quit; 17 percent transfer to another position with the same employer. In 9 percent of cases, the bully is transferred or

terminated and 4 percent of bullies stop after punishment or sanctions. The figures suggest that 70 percent of the time the bullying only stopped when the victim quit or was let go, while the bully suffered consequences in only 13 percent of cases. This is clearly wrong. We need to change this.

It is noteworthy that the education environment is an environment where there is a significant amount of bullying. A study in Ontario showed that 30 percent of teachers and education workers have been bullied by a parent or guardian, 24 percent have been bullied by a superior and 14 percent have been bullied by a colleague or co-worker. Clearly, if we are going to improve bullying in our schools, we need to start with the workplace and the people who are working there to provide models to the students in our schools.

Based on calculations in other jurisdictions, the Australian state of Victoria, for example, it can be estimated that Manitoba lost \$13.7 million in 2005 in productivity due to bullying. There is money to be saved here. There is productivity to be improved. There is an improved environment in our workplace to achieve.

We know from other studies that workplace bullying is four times more prevalent than physical assault. We know that there is a variety of things that we can do, and that is why we are bringing in this legislation which will achieve second reading or which will have second reading today.

I would ask other MLAs to look at this legislation carefully. We have worked very hard to find the right balance in this legislation so that we provide an environment which will be improved for workers but also that we provide an environment where employers can still provide the appropriate guidance, discipline, what have you, for those who are working there. It just needs to be done in an appropriate and respectful fashion.

*(10:10)

Mr. Speaker, this is legislation which is a win-win for employers and a win for workers. It is timely. It has now been passed and tested in other jurisdictions like Sweden and like Québec. Certainly we should be a model here. At a time when we are working to decrease bullying in the schools, we need to remember that the place for the start here is with the environment that we have got for teachers, for principals and for others working in the schools, that

the first place is to start with teachers given the right sort of environment so that they are not bullied and that they then are examples to what can happen for the students.

I strongly believe that what this legislation will do is to move Manitoba forward, improve our productivity, improve the working environment for employers and for employees in our province and allow us to have a better workplace. As is well known, we have a rate of time-loss injury, which is higher in most other provinces, improving the environment here while it may not directly apply to injuries, the better environment we can have for workers, the less likely we are going to have injuries because people are going to be happy, they are not going to be upset about this or that, and we are not going to have the conditions where people are going to be injured as much. So I would suggest that this will help in terms of workplace injury as well as workplace bullying, because what it will do is create a better environment in the Manitoba workplace. Thank you.

Introduction of Guests

Mr. Speaker: Before recognizing the honourable minister, I would like to draw the attention of honourable members to the public gallery where we have with us from Lord Nelson School 9 Grades 4 to 6 students under the direction of Ms. Mary Sawka. This school is located in the constituency of the honourable Member for Burrows (Mr. Martindale).

On behalf of all honourable members, I welcome you here today.

Hon. Nancy Allan (Minister of Labour and Immigration): Well, it really is a pleasure to put a few words on the record in regard to Bill 210, the bill that has been introduced by the Leader of the Liberal Party.

I think one of the first things, Mr. Speaker, that I would like to touch base with, in regard to this particular piece of legislation, is the whole issue of consultation. One of the things that I have done as Minister of Labour and Immigration is, whenever I have had a piece of legislation that I have been bringing into the House, one of the key things that I have done is I have consulted with employers and workers. The MLA for River Heights just said in the comments that he put on the record that this is a win-win for employers and for workers.

Well, that may be true, Mr. Speaker, but there is just one problem with the statement that the MLA for River Heights has made and that is the fact that he has not consulted with the employers or with the workers in regard to this legislation. In fact, the head of the Manitoba Employers Council—his name is Bill Gardner. I am sure the MLA for River Heights knows the head of the Manitoba Employers Council. He is the employer representative that I deal with on all of my legislation.

In a conversation that I was having with him on the phone about three weeks ago, he said to me, what is this Bill 210 all about? Well, I said, I am surprised. Has the Leader of the Liberal Party not consulted with you on his legislation? He said, no, he has not spoken to me about it. So I am quite sure if he has not spoken to the employer caucus about it, he also has not spoken to the labour caucus about it either.

I think it is very, very important, Mr. Speaker, that the MLA for River Heights realize that he needs to work with the stakeholders. He needs to consult with more than just his caucus of one, the MLA for Inkster. He needs to talk to his stakeholders. He needs to consult with more than just the one individual that is in his caucus with him when they are churning up legislation, trying to get stuff on the books that makes them look like they are busy and proactive and really doing the people's work here in Manitoba. Well, doing the people's work here in Manitoba means you have to consult with the stakeholders. Consensus is critical. You need to confirm that they understand what you are trying to do.

I have to tell you, Mr. Speaker, if the MLA for River Heights, the Leader of the Liberal Party, had consulted with the employers and if he had consulted with labour, he would know that we already have regulations that deal with harassment in the workplace.

The 2002 report of the Workplace Safety and Health Review Committee recommended that regulations be developed for the prevention of violence and harassment in the workplace. The government of Manitoba accepted this recommendation, and in 2002 we passed Bill 27, The Safer Workplaces Act which added to The Workplace Safety and Health Act for the first time the following language. It is a Regulation 18(1): "The Lieutenant Governor in Council may make regulations (bb) respecting measures that employers shall take to prevent harassment in the workplace."

Since the passage of this legislation, we have been extensively consulting with stakeholders in order to develop a comprehensive package of amendments to Health and Safety regulations, and those regulations, Mr. Speaker, include violence and harassment prevention policies. Now, this consultation has been completed, so we have had an extensive consultation because we have been consulting with the employer community and the labour community since the legislation was drafted and passed in 2002, and we expect these new regulations to be enacted this year. I said, as recently as just a few weeks ago, that we would be enacting these new regulations.

So we remain hopeful, Mr. Speaker, seeing as this is a newfound interest for the MLA for River Heights, that he would be supportive of this comprehensive package of improvements to workplace safety and health which has had the benefit, once again, of consultation with employers and with the labour community. These regulations will offer a reasonable and practical approach to dealing with workplace hazards, modernizing workplace safety and health regulations, recognizing the risk of violence and harassment in the workplace, ensuring that appropriate policies are in place to prevent any kind of objectionable conduct in regard to this kind of behaviour.

The provisions will also complement protections that currently exist in Manitoba to provide protection against certain types of bullying behaviour in the workplace. The Manitoba Human Rights Code prohibits harassment on the grounds of specific characteristics, including ethnic background, religious belief, age and gender, as well as prohibiting objectionable and unwelcome sexual solicitations or advancements or any reprisals or threats of reprisals for rejecting a sexual solicitation or advance.

Manitoba's labour laws prohibit harassment against employees who exercise their statutory rights under employment standards, workplace safety and health and labour relations legislation. Depending on the nature of the alleged bullying, individuals can also contact the Manitoba Human Rights Commission, the Employment Standards division, the Workplace Safety and Health division, or in serious situations, the Manitoba Labour Board.

On June 5, 2002, during the third reading debate on Bill 27, The Safer Workplaces Act which is The Workplace Safety and Health Act Amended, Mr.

Speaker, the Member for River Heights (Mr. Gerrard) stated: "The background that has been provided to many studies of safety suggest that it is very important to get the processes right. It is also very important not to create the kind of punitive environment that will push people to not report, to cover up, because that is the absolute worst thing that can happen. One needs to have the open reporting. One needs to have everybody working together to have an effective safety program in the workplace."

* (10:20)

Well, that, Mr. Speaker, we could not agree with more. We believe the process needs to be right, and we believe that if the MLA for River Heights, the Leader of the Liberal Party, was really, really serious about preventing harassment in the workplace, he would have consulted with the stakeholders, he would have spoken with the employers, and he would have spoken to the labour community, specifically because we already have legislation in place and we have regulations coming.

We consistently, Mr. Speaker, offer the opposition, the Liberal opposition, the Tory opposition, briefings on legislation. The MLA for Springfield consistently comes to my office, and we walk him through the legislation. The Liberals never come to my office. They are not interested in any legislation that we ever have on the books because they are too busy ringing the bells and standing legislation and speaking, talking on every bill because they love the sounds of their own voices. They are too busy to consult because they have this little agenda all worked up where they are the saviours of public policy, but they just grind it up in some back room somewhere without any consultation with the stakeholders.

It is really incredible that this is the party that is holding up the House right now in regard to legislation. So I say shame on the Liberals for this piece of legislation. Shame on them. Shame on them for not consulting on this legislation, and you know, Mr. Speaker, I know this is going to come as a very, very big surprise, we will not be supporting Bill 210.

I know this comes as a big surprise to everybody, but I think we have done the due diligence on our legislation. We have done the due diligence on our regulations. We have consensus from employers and labour. That is the job that we have done in regard to preventing harassment in the workplace and bullying in the workplace. We have a

confidence level in the public policy work that we have done. Maybe someday, Mr. Speaker, the opposition party will see the light. Thank you.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I do want to put a few words on the record in regard to Bill 210. The Minister of Labour and Immigration (Ms. Allan) never ceases to amaze me. It was with great interest I listened to what it was she had to say about Bill 210, and the most worthy note was that she made it very clear that the government is in opposition to Bill 210.

I applaud her in terms of taking a stand on the bill by saying that she opposes it and therefore, being the Minister of Labour, speaking on behalf of the government. So it would be nice to even see this bill be voted on, given we know where the government stands on it.

I do take some exception to other comments that she has put on the record. The biggest one is in terms of consultations. Mr. Speaker, I should advise the Minister of Labour that there are many employers throughout the province of Manitoba. There are many employees throughout the province of Manitoba, and if she feels that we did not consult with the ones of her choice in coming up with this private member's bill, my response to that is too bad.

As members of this Chamber, we consult with the individuals who maybe might bring to our attention different issues, different employers that might be within our own constituencies. It is a wide variety of individuals that are out there. Mr. Speaker, then she makes the comment in terms of, well, the leader only consulted with the one member, the Member for Inkster possibly, and came up with the idea.

Well, Mr. Speaker, let us talk about arrogance. This really speaks to why it is this government is on its way out. You know, the Leader of the Liberal Party has consistently received overwhelming support from corner to corner of this province and has travelled throughout the province and consults with a great number of people. They get 45 percent of the vote; we get 13 percent of the vote and they figure that they can rule the world. Well, let me tell you something. You do not rule the world with 45 percent of the vote in the province of Manitoba. But you would think that the party seals on the New Democratic side feel that they have the ultimate right to everything in the province of Manitoba when it comes to governance. I can tell you that they are

wrong. Consistently, 20 percent plus in the city of Winnipeg support the Liberal Party.

I know, Mr. Speaker, that they have a difficult time appreciating that. They would just as soon see the Liberal Party disappear. Well, I am here to tell you that the Liberal Party is not going to disappear. When we hear comments like the Minister of Labour (Ms. Allan) that makes a mockery of what Manitobans have to say is a good idea and literally make a mockery: Well, you did not go to this interest group and, by the way, because you did not go to this interest group, that means you did not go to the labour interest group, too, so we will then make the conclusion that this bill is no good, so we are not going to support it. That is, in essence, what the Minister of Labour said. It is all in Hansard, so the members and the backbenchers can read that.

You know something? What we believe is that this is a good idea. Other provinces have, in fact, brought it in, Mr. Speaker. Can you imagine if we used the logic of this particular minister on other pieces of legislation that are out there? The Minister of Justice (Mr. Mackintosh) would have nothing to talk about. He would have nothing to talk about. The Minister of Justice sees an idea and he brings it in the form of legislation. We have supported that legislation. Why? Because, in principle, it is good legislation.

The Leader of the Liberal Party brings in good legislation and look how it is ridiculed. If it was a government piece of legislation, Mr. Speaker, the government would be expecting that it would pass. If other provinces have recognized it as good legislation and have incorporated it—you know, the Province of Québec has already accepted it. They have passed the law. The NDP in Ontario have recognized how important this legislation is. The problem with this government is that if they do not propose legislation, if it is not their idea, it is not a good idea. That is the attitude of this government. I can show you case after case where that is, in fact, the case. *[interjection]*

You know, Mr. Speaker, it is tempting to respond to the heckling, but I do not want to do that, because I want to make a case that this government only supports things and ideas that they have. If there is an idea from the opposition benches, it does not stand a chance, no matter how progressive it is in its thinking. We can go back to Conservative ideas, where it was the Remembrance and the poppy on the plate, where the government did not like that idea

because it was a Conservative proposal, so they stole the idea and they brought it in, and then it became a good idea.

Mr. Speaker, we have the Good Samaritan legislation. The Leader of the Liberal Party introduces Good Samaritan legislation. The government likes it, they copy it and they try to pass their own bill, as opposed to acknowledging the Leader of the Liberal Party's Good Samaritan legislation.

Mr. Speaker, I have legislation that will protect the children of our province. What does this government do? It sits back on its laurels and says, pass our legislation. Well, what about opposition legislation? What about other good ideas that are inside this Chamber that you just sit back and do nothing, that you continue to say, well, if you do not pass our legislation, the earth is going to come to an end as we know it, if they try to apply pressure on the Liberal caucus to pass their legislative agenda.

Well, Mr. Speaker, let me suggest to you that there are other ideas inside this Legislature that deserve the merit of passage, that deserve the merit of support from this government. It is starting to get very tiring to see a government consistently ignore good ideas. I can tell you that if they really cared about the children of our province, they will take a look at some of the legislation in private members' bills that deals with children first-hand, take their political blinkers off, Mr. Speaker, and start addressing the issues that are important to Manitobans.

* (10:30)

This is an important issue to Manitobans. Serious problems exist in terms of bullying in our workforce, very serious. You know, I have heard stats that say in most ways bullying in the workforce comes to an end when the victim quits or the victim is fired. That is how most cases of bullying in the workforce are in fact resolved.

Mr. Speaker, if the government was serious, if it was a socialist type of government, one would think that they would be more proactive at protecting the worker. I am getting tired of standing up time and time again telling this government that it does not have a social conscience. I addressed the issue of final offer selection. I addressed the issue of pensions for the workers in private sectors. I have addressed the issues of our children, in setting of one price throughout the province, standing up for the children

in the North. We are standing up for all children with fetal alcohol syndrome, calling on the government to take action.

Time and time again this government refuses to act on good ideas because they do not even have the common courtesy to recognize that a good idea is a good idea, it does not matter which side of the Chamber it comes on, that they do not have to have all the glory. Mr. Speaker, what they should do is they should acknowledge a bill for what it is. If a bill is a good idea, allow it to go to committee. If the Minister of Labour (Ms. Allan) wants to hear more input on this bill, then allow it to go to committee.

But we know full well what the government says on this particular bill. The government says no to this bill. I say shame on them. There are other provinces; the Province of Québec has it. The NDP in Ontario want to see it but not this regressive government. When it comes to labour in the province of Manitoba, they do not represent labour. They do not represent the working people.

That will be the argument that I will use in the next provincial election whenever this election is called because they do not have the courage to stand up and take an idea for what it is worth. If it is a good idea they should accept it, adopt it, pass it. That is their responsibility. If they are not doing that, they are putting their party interest ahead of the Manitobans and I say shame on them.

Ms. Marilyn Brick (St. Norbert): It is my pleasure to put a few words on the record about Bill 210, The Workplace Safety and Health Amendment Act (Harassment in the Workplace), as introduced by the MLA for River Heights.

Mr. Speaker, I read this proposed bill with some interest. I have a background in human resources. I have a human resource management certificate as well as having worked in the past as an employment officer in human resources. I have some real concerns about the proposed bill that has been put forward, particularly 42.6(4) which reads: "Worker to remain off-site," which says, "Pending the investigation and determination of the safety and health officer, an employer shall not require a worker who refuses to work under this section to return to the workplace unless (a) the employer takes reasonable disciplinary action against, or provides harassment-prevention training to, the person or persons allegedly responsible for the harassment."

I have some real concerns with this, Mr. Speaker, because this is contrary to a lot of what I have learned in human resource management. When you take someone and give them disciplinary action for being a perpetrator of harassment, you are actually not helping the workplace at all. You are making them actually the person that you are saying is responsible for being a harasser and often that is not the case. Often there are two people who are involved in harassment and it is something that takes some mediation to resolve.

This type of bill would then actually make it so that the person who was being reported on would be the one who was told that they were actually responsible for everything that happened, and that is contrary to what human resources management has told us is the best way to deal with these kinds of situations. It is best to actually provide training for people, as well as to provide mediation services if this type of situation arises. Making someone guilty of a crime does not appear to be the best way to deal with this.

In 2002, the report of the Workplace Safety and Health Review Committee recommended that regulations be developed for the prevention of violence and harassment in the workplace. The government of Manitoba accepted this recommendation, and in 2002 we passed Bill 27, The Safer Workplaces Act, which added to The Workplace Safety and Health Act, for the first time, the following language: "That the Lieutenant Governor in Council may make regulations (bb) respecting measures that employers shall take to prevent harassment in the workplace."

Mr. Speaker, I would like to speak for a moment about my workplace, which was the City of Winnipeg. One of the things that they did there, they had a respectful workplace policy. They took it under their own initiative to train all their employees on respectful workplace so that everybody was aware what the expectations were. I would have to say that this helped resolve a lot of the situations because people were aware what the issues were and what the policies were. There were actually guidelines if people did feel that they had been harassed. There were guidelines that they were to follow. The first one was to actually go up to the harasser and speak to them so that they were made aware of what the issue was.

Often someone is not aware that they have been harassing an employee or that it is perceived that

way. In some cases, someone may take exception to something that someone else may not take exception to. So it is very important that the person who feels that they are harassed is given the opportunity to actually speak directly to the person who is causing the problem.

Mr. Speaker, I would like to say that since the passage of this legislation the government has undertaken consultation with stakeholders in order to develop a comprehensive package of amendments to health and safety regulations, including violence and harassment prevention policies. This consultation has been completed and the government expects to enact new regulations this year. This was mostly stated in a news media release in March of 2006.

It is our hope that the Member for River Heights (Mr. Gerrard) will be supportive of this comprehensive package of improvements to workplace safety and health. He talks about his commitment to workers' safety and to their health. I think it is important that he walks the walk, as the saying goes, he not just talks the talk. I think it is important that he be given the opportunity to support the kinds of changes that we have found through consultation are something that workers would like to see.

The regulations will offer a reasonable and practical approach to deal with workplace hazards, modernizing workplace safety and health regulations and recognizing the risk of violence and harassment in the workplace. It will ensure that appropriate policies are in place to prevent objectionable conduct.

The provisions will also complement protections that currently exist in Manitoba to provide protection against certain types of bullying behaviour in the workplace. I know a lot of us are aware that the Manitoba Human Rights Code prohibits harassment on the grounds of specific characteristics, including ethnic background, religious belief, age and gender, as well as prohibiting objectionable and unwelcome sexual solicitation or advancements or any reprisal or threats of reprisals for rejecting a sexual solicitation or advance.

Manitoba labour laws prohibit harassment against employees who exercise their statutory rights under employment standards, workplace safety and health and labour relations legislation.

I find it interesting that on June 5, 2002, the Member for River Heights (Mr. Gerrard) was talking about workplace safety and health. He stated

that: "The background that has been provided to many studies of safety suggest that it is very important to get the processes right." As I mentioned before, Mr. Speaker, I do not think right now, as proposed in this legislation, the processes are right. "It is also very important," he went on to state, "not to create the kind of punitive environment that will push people to not report, to cover up, because that is the absolute worse thing that can happen. One needs to have the open reporting. One needs to have everybody working together to have an effective safety program in the workplace."

I find it somewhat ironic, Mr. Speaker, when I look at the kind of legislation that has been proposed by the Member for River Heights because it actually is contrary to what he had said here in June of 2002. He is actually proposing a type of punitive legislation which I do not think would be helpful for the workplace.

In closing, Mr. Speaker, I would like to say that I could not support this bill as proposed by the Member for River Heights, and I hope that he will look favourably on the kind of regulations we bring forward. Thank you.

* (10:40)

Mr. Kelvin Goertzen (Steinbach): It is a pleasure to rise this morning and speak to Bill 210. I share some of the sentiments of both of the parties that have spoken this morning. Certainly, I do not agree with all of the comments that the Minister of Labour (Ms. Allan) put on the record. I would offer to the members of the independent Liberal Party that I would take them at their word. If they say they made consultations and made efforts to talk to people around the province, I certainly do not have information to the contrary. I have seen the Leader of the Liberal Party out at different places in Manitoba making his mark for whatever mark that was, but he certainly has been in different areas of the province. So, I do believe that there has been consultation on this and perhaps other pieces of legislation.

I do take, though, as a good caution from the Minister of Labour that perhaps there are already pieces of regulation or legislation that are currently in effect or coming into effect that may address some of the concerns that were raised by the Member for River Heights (Mr. Gerrard). In that way, there might be room for consultation between the Manitoba Liberals and the current governing New Democrats on this particular issue to see if in fact there would be

a good sort of compromise solution that would come forward.

I think all members of this Legislature believe in worker protection at all different levels, and certainly I would, before going further into that, say that I think all employers believe in worker protection. Most employers, I think, do a pretty good job of ensuring that they create and they foster a good working environment within the context of their businesses because, as anybody who has been involved in a business either as an employer or as an employee would know, you only truly get good production and good results from your business, from your employees, if you have employees that are happy with the work environment, if you have employees who are satisfied with what is going on in that particular area. So, I think it benefits everyone who is involved in a business to have good and satisfied employees.

So, to that extent, I think that the idea that the Member for River Heights raises is good for discussion. I am glad that he has brought it forward. It certainly brings our attention to other issues and other ways to address certain things here in the Legislature, and I commend him for that. I never would, I do not believe—and if I ever do, the members here would admonish me I am sure—but I would never look at an effort by a member to bring forward legislation in such a critical way as the Minister of Labour (Ms. Allan) did. In fact, I think it benefits all of us, as legislators, whether it is on the government side or the opposition.

Certainly we, as Progressive Conservatives, look forward to returning to the governing side of the House, and when we do, I think when private members' legislations come forward, we might not agree with everything, and certainly not everything would be taken into legislation, but I do think that we would appreciate the fact that all members are bringing forward ideas to the Chamber, that all members are bringing forward things that we could consider as a government. That is not the style of the current New Democratic government. Their first inclination is to shoot down or shoot at all pieces of legislation, regardless of what its context or what its content is, simply because it comes from a party other than their own.

I do not believe that Manitobans would expect that from us as legislators. I think that they would expect better. I think they would believe that all of us here in the Chamber, elected to represent some

20,000 Manitobans in our individual areas, could bring forward ideas from those Manitobans and Manitobans beyond our own individual constituencies.

The one thing I must say, though, Mr. Speaker, that concerns me in terms of my own suggestion, and I did raise the idea of the Liberals and the New Democrats getting together to try to work out a compromise, a solution, it does worry me a bit that this government's track record on workers in general and workers' issues is not very good. I reflect upon the situation with Pat Jacobsen, who was a worker here in Manitoba, who came across a number of issues that she wanted to raise with the government, and as a reward for that, as an award for standing up for taxpayers and the interests of those who were involved in Workers Compensation, she was dismissed. Now her efforts have been rewarded in another province, in British Columbia. Her skills have been recognized there, but we lost her as a worker here because the government did not put in place proper whistle-blower legislation. Still today, after the government has introduced a piece of legislation that they have entitled whistle-blower legislation, we see criticism and concerns from a variety of different sources in Manitoba who are concerned about that legislation, who say it is not strong enough, who say that it does not really provide any protection at all for those who need protection in the workplace.

So the track record of the current New Democrats as it comes to dealing with workers in the workplace is not a good one. So, in that way, Mr. Speaker, it is positive, I think, that the Member for River Heights (Mr. Gerrard) has brought this forward because it does allow us to discuss not only ways that things can be improved in Manitoba but also the poor track record that the New Democrats have in terms of making sure that employees, whether it is in a public context in the government or in a private context, have certain rights and expectations. I do think that all people who enter the workforce at any age, whether they are just beginning their working career as teenagers or whether they already have a longer and established career both in the public service or in the private sector, that they do in fact have expectations about what that environment is going to be like. In these days of a more competitive work environment across the country, we know that employees have a number of different options and the expectations within their workplace are even higher.

We know and we certainly expect as Progressive Conservatives that employees can go to the workplace and feel free to not have to endure harassment or to endure other issues that impede their own personal liberties. We as Progressive Conservatives stand by that. We believe that a progressive or that a good workforce, a good work environment will add to our economy which will add to the productivity of our province.

So we do raise concerns about how this government has responded to government employees, how they have responded to concerns that have been brought forward from their workforce. And, really, is that not where the example should come from, Mr. Speaker? I mean, I think it is difficult for us as legislators to go to the private sector and say to the private sector how is it that you are not doing something when they can point their finger right back at the government and say, well, what about your situation? I mean, it would be difficult, I think, to walk into a private firm and say, you know, we are concerned about how you might treat your employees when that private employer would point right back and say, what about Pat Jacobsen? You know, what happened to Pat Jacobsen? You need to set the example, and I think that the private sector should expect that government will set that example, will be the forerunner on a lot of these issues and be out front of a lot of the different issues.

So I would ask this government to not only work with the Manitoba Liberals on this specific issue, but also to relook at the whole issue of how to protect those in the public service, not just from bullying or from harassment or other issues that have been raised by the honourable Member for River Heights (Mr. Gerrard), but also issues that when they are bringing forward concerns about what is happening in a department or in government in a larger context that it be addressed in a way that is not intended to lash out at that particular employee, to have retribution. I know that we as legislators, Mr. Speaker, are called upon by all of our constituents to ensure that we bring forward good ideas and bring forward ideas in a general context.

So, in conclusion, I would encourage both the government and the Liberals to discuss these issues, and I would commend the Member for River Heights for bringing forward an idea that is worth discussing.

* (10:50)

Ms. Bonnie Korzeniowski (St. James): I just am pleased to put a few words on myself, if for no other reason than to comment on the audacity of our Liberal Member for Inkster (Mr. Lamoureux) to speak so angrily about not supporting legislation when he has spent so much energy and time in preventing any legislation from going on. I have to say he has an admirable, I was going to say gift of gab. I think it is more of a shame. That will do. At any rate, redundancy is another thing he seems to be proposing. I mean, a good idea is a good idea, but to want to legislate the same good idea over and over again, I think we will call him the master of redundancy if that is all right.

Anyway, the 2002 report of the Workplace Safety and Health Review Committee recommended that regulations be developed for the prevention of violence and harassment in the workplace. Gee, I wonder if they could have missed something? The government of Manitoba accepted this recommendation and in 2002 passed Bill 27, The Safer Workplaces Act, which added to The Workplace Safety and Health Act for the first time, not again, the first time, the following language: regulations, codes and standards. I am sorry I cannot provide a picture here so you can get it, but maybe if I speak louder. Regulations 18.1: "The Lieutenant Governor in Council may make regulations"—new concept. "(bb) respecting measures that employers shall take to prevent harassment in the workplace"—new concept.

Since the passage of this legislation, the government has extensively consulted with stakeholders in order to develop a comprehensive package of amendments to health and safety regulations including violence and harassment prevention policies. I want to say, consulting with stakeholders is so critical. Harassment and violence in the workplace is not just as simple as the worker being harassed by fellow workers. I am surprised that the Leader of the Liberal Party did not think to add the complexity of working in a health institution where you are looking at harassment by the very people you are supposed to be working for and protecting. People with cognitive impairments harass and can be violent toward the people who are taking care of them. This requires a very, very sensitive set of planning. So stakeholder consultation is critical in this area.

I just wanted to say that in April of 2002, the province of Manitoba announced its endorsement of the Review Committee's target of reducing the time-

loss injury rate by 25 percent over five years. Manitoba's time-loss injury rate fell by almost 20 percent since 2000. The 1994 to 1999 five-year average was 5.56 time-loss injury per 100 workers, while the 2000 to 2004 five-year average is 5.06 time-loss injury per 100 workers.

I would just like to read some more of these numbers just to show the success of the efforts that have been taken so far. In the year 2000, the injury rate was 5.8, 20,147 time-loss injuries; total injuries, 40,199. In 2001, we had a 5.2 injury rate, 18,919; total, 37,033. In 2002, 5 percent, 18,278; total 35,600. In 2003, 4.7, time-loss injuries, 17,766, for a total of 35,533. In 2004, 4.6 injury rate, time-loss injuries 17,492 for a total of 34,864. See how these are going down, indicating success. In 2005, injury rate of 4.7, time-loss injuries 17,936. This is in comparison to 20,147 for a total of 35,487 compared to 40,199 in the year 2000. So we do have some pretty solid, substantial evidence that we have done some pretty good work in our workplace health and safety regulations.

Now, back to the consultation, it has been completed. The government expects to enact these regulations this year. This was most recently stated in the news media in March of 2006. *[interjection]* Did you not read—I forget, if there is no picture, sometimes we do not get it. The government of Manitoba remains hopeful that the Member for River Heights (Mr. Gerrard) will be supportive of this comprehensive package of improvements to workplace safety and health which has had the benefit of consultation, C-O-N-S-U-L-T-A-T-I-O-N, from employers and workers.

These regulations will offer a reasonable and practical approach to deal with workplace hazards, modernizing workplace safety and health regulations, recognizing the risk of violence and harassment in the workplace and ensuring that appropriate policies are in place to prevent this objectionable conduct. We have already taken the steps to prevent what the honourable member is proposing we do. We are so happy to hear this endorsement of what already exists, master of redundancy.

The provisions will also complement protections that currently exist in Manitoba to provide protection against certain types of bullying behaviour in the workplace. So it is not only covering the violence and harassment, we are defining it even further to

bullying. Not that the Human Rights Code does not already prohibit harassment on the grounds of specific characteristics including ethnic background, religious belief, age and gender, as well as prohibiting objectionable and unwelcome sexual solicitations or advancements or any reprisals or threats of reprisals for rejecting a sexual solicitation or advance.

Now, I cannot see what is not covered here that could possibly be covered in Bill 210, except to reinforce what our government is already doing. So although I appreciate the actual endorsing of what we have done, I am afraid—

Mr. Speaker: Order. The honourable member's time has expired. Any other speakers?

Mr. Cliff Cullen (Turtle Mountain): It is an honour to put a few—

* (11:00)

Mr. Speaker: Order. The hour being 11 a.m., we will now move on to resolutions. When this matter is again before the House, the honourable member will have nine minutes remaining.

RESOLUTION

Res. 12—The Safer Communities and Neighbourhoods Act

Mr. Speaker: We will now move on to resolutions.

Mr. Rob Altemeyer (Wolseley): I move, seconded by the Member for Minto (Mr. Swan), that

WHEREAS The Safer Communities and Neighbourhoods Act was proclaimed in February of 2002 and has seen great success to date; and

WHEREAS the act targets properties that adversely affect the safety and security of neighbourhoods by their habitual use for prostitution and related activities; the possession, sale and/or use of drugs; sale of liquor without a licence; the use or sale of intoxicating substances; and the possession, use or sale of non-potable intoxicants; and

WHEREAS the act represents a new tool for Manitobans to combat criminal organizations by having an experienced team investigate complaints received by concerned citizens; and

WHEREAS the act empowers law-abiding citizens to take an active role in their community's well-being in a safe and effective manner; and

WHEREAS the act establishes a national precedent in reclaiming the safety and security of our neighbourhoods; and

WHEREAS the act places responsibility on property owners to stop these activities from occurring on their properties; and

WHEREAS virtually all landlords have cooperated with investigators in all cases resolved to this date; and

WHEREAS 121 operations involving 167 complaints have been shut down; and

WHEREAS one inspection revealed a marijuana grow operation valued at \$1.4 million in a fortified home; and

WHEREAS these illegal operations are economic lifelines for organized criminal activity; and

WHEREAS charges have been laid as a result of criminal investigations; and

WHEREAS the Public Safety Investigations Unit, which enforces The Safer Communities and Neighbourhoods Act and The Fortified Buildings Act, received the 2005 Manitoba Service Excellence Award for innovation; and

WHEREAS the Manitoba government has recently announced a second increase in staffing levels for the Public Safety Investigations Unit to three full investigative teams.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to consider continuing to develop innovative tools, such as The Safer Neighbourhoods and Communities Act, to help ensure the safety and security of Manitoba communities.

Motion presented.

Mr. Altemeyer: Mr. Speaker, it is my sincere pleasure to bring this private member's resolution to the Chamber for consideration and debate and, hopefully, speedy passage. I know all members in this Chamber are very concerned about public safety, and it is certainly a very important issue to my constituents, with whom I am always proud to work and to represent here at the Legislature. Public safety has been a recent priority area for many of my constituents, and I would like to take this opportunity to update some of the numbers that were included in the resolution which I just introduced.

Mr. Conrad Santos, Deputy Speaker, in the Chair

The opposition tactics of delaying Legislative proceedings have taken their toll, and I am pleased now to provide more current numbers than was the case when this resolution was first proposed a while back. I can now report to the House and to all Manitobans that, in fact, 164 problem property operations have been terminated through the efforts of the Public Safety Investigations Unit. Now, a further 22 problem properties were closed down by way of another referral agency.

We can add to this, as well, a further 144 cases where the occupants left on their own accord, they moved on, and in 59 cases, occupants may not have moved but the problem activities which were happening at the residence in question ceased. We can also very pleasantly report to the Chamber that 90 arrests have been made through the very good work of The Safer Communities and Neighbourhoods Act and the Public Safety Investigations Unit. Fifty-six of the instances that I have just cited, in fact, involved prostitution operation, and I am very pleased to report that that is one of the areas which is going to receive further attention and further resources through the amendments that we are proposing to our own legislation. Manitoba was, of course, the very first province in Canada to pass any type of legislation of this kind. We are pioneers, once again, this time in the very important area of public safety.

With our proposed Bill 23, which will amend the existing act, there will be an increased focus, as I mentioned, on the prostitution provisions. In the act, we are clarifying the language, so that now it is not just where solicitation of prostitution may be occurring, but, in fact, the base of operations now falls under the purview of our act, under our proposed Bill 23. This will make it even more difficult for the exploitation that lies at the root of all prostitution to occur in our communities and in our province.

I am also very pleased to update the Chamber and remind everyone that under our proposed Bill 23, it will now be possible to use this legislation to shut down grow operations which are producing illegal drugs, the manufacture of drugs will now fall under the purview of this act of the Legislature. We will be able to, as well, bring increased protection and surveillance for any operations where it is suspected that any type of child exploitation or abuse may be occurring. The bill, I can report, is at the

third reading stage, so barring any further silly delaying tactics from members opposite, I look forward to Bill 23 receiving a speedy passage into law and the increased resources and capacities being available in our communities and our streets as soon as possible.

I would also, at this time, Mr. Deputy Speaker, appreciate putting a few comments on the public record, which come from the grassroots, which demonstrate, I think, very clearly what this legislation has done in empowering our citizens and having a major impact on organized crime and criminal activity in general. I would like to quote at a little bit of length from a transcript of a recent interview, which occurred back in March on CBC radio, where they are interviewing a local community activist in the inner city of Winnipeg, part of our province which, of course, all residents who live in the inner city remember when members opposite completely abandoned them for a decade, let all of these problems spiral out of control with not a care in the world from the Legislature of the day. I can tell you that people are very pleased at the changes that have happened here, and I will quote from this transcript, which I think gives a very good example of what is now happening, thanks to our government's efforts.

The quote begins: From personal experience, I have seen a problem house shut down in five days flat, no police involved, completely anonymous. It is happening all over the neighbourhood. I was speaking to neighbours a few weeks ago, hanging out in their yards and talking about a house down the street that they have just had cleaned out, using the safer communities act, and they say there are new people in there now, and they are watching closely to see if anything happens, and if it does, they will be calling again. We are feeling empowered. We are feeling excited about taking back our community and it can happen all over the city and all over the province. People are saying, well, it is just going to go to another neighbourhood, but if the people in that neighbourhood make the same calls that we did, then these places will have no place to take root, because the landlord has to take responsibility.

Now, Mr. Deputy Speaker, I can tell you that those sentiments are widely shared throughout the inner city and they are certainly shared by the many organizations and citizens that I have the sincere pleasure and honour of working with in the constituency of Wolseley. I remind all the honourable members that my constituency includes

the neighbourhood of Wolseley. It also includes all of West Broadway and a very large portion of the Spence neighbourhood and of the West End.

* (11:10)

Just over this past weekend, I was very pleased to co-chair and co-facilitate a workshop on public safety in the West Broadway neighbourhood with my municipal counterpart, Councillor Jenny Gerbasi. The honourable MLA for Minto was also very kind to stop by and participate, and we had a very productive and positive meeting. Members of the arson task force attended. The local community police officers were there and many of the local organizations which are working to revitalize West Broadway, a part of town which I will remind everyone received the slogan of Murder's Half Acre in the 1990s, very large criminal elements and enormous crime statistics. The courage shown by local residents who stayed there and fought for their community when the government of the day could not care less, I think, has to be commended over and over again. They now have the tools to reclaim their community. They are doing that, and we are very pleased to be putting the resources and the legislation at their disposal to help them do that.

Similar experiences in the Spence neighbourhood as well where everything from safety audits to Welcome to Spence programs are making an enormous and positive impact. Of course, I also want to mention the excellent work by the West End BIZ, which operates its BIZ patrol and offers a subsidized safety lighting program, as well, for constituents and businesses to take advantage of to improve public safety.

I see that my time is up, Mr. Deputy Speaker. There are certainly many, many more positive stories to report. I am sure other members of our party and our government will be pleased to share those. I anticipate members opposite who do not care about the inner city, do not go there, do not understand it, will not have very many good things to say, but that is what we expect from their negativity and that is why they deserve to stay on the opposition benches. Thank you.

Mr. Kelvin Goertzen (Steinbach): Mr. Deputy Speaker, it is a pleasure to rise today to speak about the Safer Communities and Neighbourhoods Act resolution. You know we have had discussions in this House in the past regarding identity theft. This, I think, is a clear case of idea theft where the government of the day has taken a good, strong

Conservative idea, good, strong Conservative legislation and tried to stamp it as their own. I suppose when you lack good ideas you have to look at others' good ideas to try to take them as your own, to subsume them as your own, so I should not be surprised that this government desperately looks to try to take credit for something even when they truly do not deserve credit for it.

We certainly have supported the safer communities act. In the past we have supported Bill 23, the amendments that are coming forward, and why would we not? Because it is legislation that we as Progressive Conservatives brought forward in the late 1990s. The law in fact on July 14—I do not remember July 14 if it was as warm a day as it is here today in Manitoba—but July 14, 1999, was a good day for Manitobans. It was a good day for the inner city as The Community Protection Act was passed here in the Manitoba Legislature.

The Community Protection Act was brought forward by—here is a name that the members opposite might remember—Vic Toews. *[interjection]* The Member for Burrows (Mr. Martindale) is correct. There is not a prize involved in that question, but he is correct that it was Vic Toews who brought forward that legislation and—*[interjection]* Well, Rossmere's loss was Canada's gain. We now have Vic Toews as the Attorney General here in Canada, and if there is one thing that the Member for Rossmere (Mr. Schellenberg) could ever take credit for in this House is that we now have the best Attorney General in the history of Canada because of the Member for Rossmere.

If he can win on that slogan, then I wish him well in the next election. But certainly it was Vic Toews who brought forward this legislation, and what did we hear from the members opposite, the nitpickers, the naysayers opposite about the legislation then? *[interjection]* See, the Member for Burrows confirmed it. He said, oh, bad legislation. They floated the constitutional balloons. That was the current Minister of Justice (Mr. Mackintosh). He had a few constitutional balloons in his office, and any time the Progressive Conservative government of the day would bring forward innovative legislation, he would blow up one of those constitutional balloons, and he would let it out of the office to see how it would fly.

So he raised a little bit of concern: Well, is this going to pass the Constitution and process, and this and that, and they were worried about it. They were

not worried about the inner city then. They were not worried about crime then. They were worried about whether or not this would pass some sort of constitutional test. They were not innovative people at that point, Mr. Deputy Speaker. They were concerned about whether or not this legislation would go forward.

Well, I give credit to the Progressive Conservative government of the 1990s who said, we are going to be innovative, we are going to be innovative and look at this legislation. You know, members opposite, Mr. Deputy Speaker, have been trying to play footsie with the new Conservative government because they see how popular that Conservative government is. I know why the Minister of Justice has been trying to cozy up to the new Minister of Justice federally because he sees all the good things that are happening. It has cooled off a little bit this week. Admittedly, because of the whole floodway issue, you know, the whole relationship has cooled off a little bit. It has not so much footsie anymore. You know, we are not sure if we are about to see the break-up of the relationship, the attempted relationship, because of the misdeeds already that are happening in the NDP government and the floodway.

I think it is very important, Mr. Deputy Speaker, it is very important to put on the record where this innovative legislation came from. You know, in fact, I say to the Member for Wolseley (Mr. Altemeyer), we might be inclined to have a friendly amendment to this particular resolution that would urge the government to continue to have innovative suggestions like which was brought forward by the Progressive Conservative government with this legislation. As a friendly amendment I think we could all agree to, this resolution could move quite quickly and we could give credit where credit is due.

But in that same vein, Mr. Deputy Speaker, and I say this very seriously, in the same vein, credit in terms of where credit is due, one of the key proponents of this legislation in the late 1990s was Reverend Harry Lehotsky, who not only fought for this legislation and brought it forward in terms of good ideas to the former Progressive Conservative government, he spoke at committee, I believe, in 1999. I remember him speaking in favour, and the Member for Burrows (Mr. Martindale) confirms that, and he said what good legislation it was.

Now, I know these days the Minister of Justice says that was not good legislation. If he wants to

quibble with Mr. Lehotsky, I think that he is wrong to do that, because Mr. Lehotsky was right. He was right in 1999. He saw the vision of this legislation and was a big part of it. I give him credit, Mr. Deputy Speaker, for the work that he did in ensuring that this legislation came forward.

But what we do not see from this current New Democratic government is any more innovative ideas. They are still riding on the winds that were in the sails of the Progressive Conservatives bringing forward new legislation. We do not see that kind of innovative idea from New Democrats anymore when it comes to dealing with inner-city crime. We can open up the papers, we opened up the papers today and we saw more acts of violence against Winnipeggers. We still see, after seven years, Mr. Deputy Speaker, after seven years this government still has one of the highest crime rates in the city of Winnipeg and in the province of Manitoba compared to other jurisdictions in Canada. That is not innovation.

This resolution is almost proof of it. It is proof that the only thing that they can come up with and bring to this House here today is to try to take some solace in what is happening in the issue of justice, something that the Conservatives brought in in 1999. They could not even find their own idea. You can imagine down in the basement in the policy secretariat of the government somebody was probably saying, well, we have got to have a resolution on justice, you know, we have to fill out the slate and have a resolution on justice. But we have not done anything. What can we do?

I do not know who works in the policy secretariat these days, Mr. Deputy Speaker. I certainly was more aware of it back in the 1990s. But whomever is working there under the New Democrats probably said, well, what about this safer communities act? I am sure that there is somebody within that secretariat who is aware enough, who is smart enough to know and say, you know what, that was not really our act. So they probably scrambled to find something else that they could point towards, but they could not. So I guess they figured, well, let us just slide this one through. Maybe the Conservatives will not realize that it was not our legislation. We will try to slip this one past the goalie, or maybe we will not get into enough resolutions and it will never see the light of day.

The Member for Wolseley (Mr. Altemeyer) has the nerve to stand up and talk about things that were

not done at a certain period of history. But then he points to legislation that was brought in during that same period.

So I challenge members opposite, Mr. Deputy Speaker, not just the Member for Wolseley, because I think this is a challenge that equally applies to all members on the government bench. It is time to come up with creative and bold ideas. It is time to think outside the box and not try to be restrained and concerned about every sort of pitfall that might happen with legislation. It is not good enough to be the last jurisdiction in Canada to come up with legislation. We do not have to wait for Alberta to see if something is going to work. We do not have to wait for Saskatchewan to see if something is going to work. We have the example that has been set for us by the former Progressive Conservative government. We have the example that has been set for us, not only before, with the former Minister of Justice Vic Toews, but now the current Minister of Justice continues to bring forward innovative legislation, and the nitpickers and the naysayers, they can continue to go on and be concerned about that. But, I think Progressive Conservatives know better.

So far in the seven years, we know this government's record on justice, Mr. Deputy Speaker, in bringing forward innovative legislation. Zip. To quote the Premier (Mr. Doer), zip, zero, nada. That is what this government has done in terms of bringing forward innovative legislation. I say to them, use this as an example. Use The Community Protection Act as an example. After seven years, find a way to be innovative, find a way to be creative and then you will find a way to be a Progressive Conservative. Thank you very much.

* (11:20)

Mr. Andrew Swan (Minto): What a pleasure it is to, again, follow the Member for Steinbach (Mr. Goertzen) and, again, set the record of this Manitoba Legislature straight. Now, this is the third time that the Member for Steinbach has gone and has made effectively the same speech in the debate on the bill, at committee and then again today. We hear this self-congratulatory message suggesting that The Community Protection Act, that was brought in in 1999 on the eve of a very historic election, was truly something that would have made a difference. It is the third time that I have heard that speech.

So, I thought, you know, Mr. Deputy Speaker, to make sure that we get the record right, why do they not sit down and compare the bill, which was

brought in in 1999, and The Safer Communities and Neighbourhoods Act, which was brought in by the New Democratic government. Indeed, there are a number of places which really, truly highlight the differences between the old, tired Progressive Conservatives that do not have a clue what goes on in the inner city of Winnipeg, in Brandon, in Thompson, in fact, in the great majority of the province of Manitoba and, of course, the New Democratic Party which governs for all Manitobans.

Indeed, I think some credit should be given to the former Progressive Conservative government. They recognized, at least in this bill, there was a problem. Unfortunately, they did not have a clue what to do about it. But, at least they tried. They, at least in their bill in 1999, recognized the activities which they had allowed to flourish in the inner city of Winnipeg and other urban centres throughout the nineties. But, that is where the similarities end.

Now, the way the safer communities act works is that Manitoba Justice investigates complaints. There is a very successful group called the Public Safety Investigation Unit. The Director of Public Safety can decide to apply for court orders, or more importantly as this act works, take other action to deal with matters on behalf of citizens.

Well, what did the Tories do in 1999? What was their approach to dealing with these problems? Well, they believed the public, individual people, should be out there gathering their own evidence, and individual people should be expected to proceed to court with an application, with or without legal counsel. That was the Tories' approach: If you have a booze can next to you, if you have got a crack house next to you, go sue your neighbour. That was the Tories' view of community justice and that is why they do not have any inner-city members and they never will have any members in the inner city of Winnipeg.

Now, in terms of where applications were to be filed, individuals who want to make a complaint, make a complaint to the director, to the Public Safety Investigation Unit. The director then proceeds with various remedies available, which could include an application to the Queen's Bench, could include a warning letter, could be, as happens in most cases, an informal resolution: they speak to the landlord, the landlord evicts the tenant and all is well.

Well, the Tories thought that you should file a complaint with the Provincial Court of Manitoba which, of course, would involve giving notice to the

person who is being affected, which would tell you exactly which of your neighbours it was that made the complaint. Of course, they had some archaic rules where it would be in Provincial Court to hear, but if a certain step happened, well, then, this unrepresented litigant living in the inner city would then have to know when to get to the Queen's Bench to make a different application.

In terms of the closure order, of course, the director under the new law can close a building for up to 90 days with judicial approval when the director applies for a community safety order. Under the Tory legislation somebody would first have to go, and again on their own nickel, they would have to hire a lawyer or negotiate the circumstances themselves and get something called a cessation notice. A cessation notice was a written warning from a judge to stop doing what they were doing. You can imagine how effective that cessation notice would be with organized crime.

Indeed, there is now a dynamic mechanism to deal with these properties and close them down without making people go through a minefield of procedures, mindful of expenses, to try and get some peace in their communities.

In terms of additional closure orders, the current law allows the director to apply for additional closure orders if the problem persists or if a closure was not originally ordered in the first place. Well, the Tories never thought of that. There is no provision at all in their old bill to obtain additional orders if the problem persists or if the problem was to change over time.

Now, the Tory bill had no alternatives to court action. The only way you got action under this bill was to take your case in and hope that a judge would make the order, and of course you would hope that you were not being threatened or bullied by the people you have given notice to in the first place. *[interjection]* Well, indeed, and I will get to the point that the Member for Burrows (Mr. Martindale) raises, which I know the Member for Elmwood (Mr. Maloway) will want me to talk about, too.

Our bill, The Safer Communities and Neighbourhoods Act, relies heavily on resolution outside of the court system and, indeed, it allows the parties to try and work something out, to come to a resolution outside of the courts. Indeed, under the act and under the 160-some closures that the Member for Wolseley (Mr. Altemeyer) talked about in his very well thought out, his excellent resolution, only

one of those as far as I know has actually required the director to go all the way to court. So this is certainly an act which works, unlike the prototype if I can call it that, from before.

And here is one of my favourites. Of course, if somebody makes a complaint to the director, their confidentiality is guaranteed. Their name and address will not be provided to the criminals, the dangerous people who are conducting the activities. Disclosure of that can only occur if a complainant consents or chooses to proceed with their own application, which again I do not believe has happened. The Tories never thought of that. There was nothing in their bill that would have protected the complainants in this situation which is quite shocking, frankly, looking back at it from today.

Under the bill the director can compel the production of business records during an investigation which may help in terms of a landlord, in terms of other people, to get those records to help them make their case. Well, the Tories never thought of that. There was no provision requiring a person to produce business records.

The act as it now stands allows an appeal to take place. If somebody believes that they have been wronged under this act, they can appeal. The Tories bill had no appeal provisions at all. Now I know that when my friend, the Member for Steinbach (Mr. Goertzen) gets into his rhetoric and he talks about how inappropriate the Charter of Rights and Freedoms is and how inappropriate those protections are, indeed, failing to have an appeal process is a really good way to have your bill struck down. Thankfully we never had to get there, because the people of Manitoba made a very wise decision and chose a New Democratic government, and we had the chance to repeal this flawed yet well-meaning, perhaps, bill and come up with something effective.

In terms of innocent third parties, what happens now is that if there is a resident who is not involved in the disruption to the neighbourhood, perhaps it is a boarder, perhaps it is someone who just has a unit, they can apply to vary an order requiring the entire building to be vacated. The Tories never thought of that because I know they do not talk to tenants, they do not talk to people who may live in rooming houses who may have different situations. We have those protections and their bill did not.

My favourite, of course, given my past and given the abuse that I sometimes take from the member from Elmwood and others, in Manitoba it is

the Crown counsel for Manitoba Justice who goes ahead and pursues orders under the act. Citizens can proceed on their own if the director decides not to proceed. However, in most cases, it will be a lawyer provided by the Province of Manitoba.

Of course, under the Tory bill it was up to citizens, whether they were seniors, whether they were people living on disability or pension or new Canadians or Aboriginal Manitobans who had moved down, they had to go and retain their own lawyer to do this. Sue your neighbour; pay a lawyer. That is the way they did it. It really brings things into focus when you look at the Tories' view of what community justice was all about. If your neighbour perhaps was working a few part-time shifts, or if you noticed perhaps your single female neighbour had a man staying over, you could phone the confidential welfare snitch line. You could turn them in and you would be protected. But if you had a crack house next to you, or you had a booze can next to you or a brothel next to you, go post a notice on the door, hire a lawyer and take your neighbour to court. That is why the Tories have no credibility in the inner city, in our urban centres and, for that matter, they do not have much credibility anywhere in this province.

I am glad, Mr. Deputy Speaker, I have had the chance finally to set the record straight, explain the correct approach and correct the errors that the Member for Steinbach (Mr. Goertzen) put on the record. This is a great resolution brought forward by my friend the MLA for Wolseley (Mr. Altemeyer). I look forward to it being passed by this Legislature this morning. Thank you.

* (11:30)

Mr. Leonard Derkach (Russell): I listened very carefully to the words of the last speaker, Mr. Deputy Speaker, and there is some saying about the sublime and the ridiculous. Well, I think this was closer to the ridiculous than it was the sublime.

Mr. Deputy Speaker, when we look at this resolution, I have to comment on the motivation for the resolution from the government side. Usually a government is responsible for taking action on initiatives that perhaps are of concern to people in the province and to communities. In this case, this resolution addresses the inner city to a larger extent, but it talks about The Safer Communities and Neighbourhoods Act.

The THEREFORE BE IT RESOLVED is the one that I find somewhat amusing. I want to read it

because it says: "THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider continuing to develop innovative tools, such as The Safer Neighbourhoods and Communities Act, to help ensure the safety and security of Manitoba communities."

Well, Mr. Deputy Speaker, now we have such a lazy government or such a government that is so out of touch with what is happening in this province that we need the backbenchers, the upper benchers of the government bringing in a resolution to advise this government to continue to work on programs that will help inner city. Now, it is almost as ridiculous as some of the questions that we have coming from the upper benches of the government during Question Period.

If you really want to have an effective resolution come before this House, Mr. Deputy Speaker, you would look at some of the issues that are plaguing our society, and you would bring in a meaningful resolution that in fact calls upon this Legislature to move together toward resolving some of the ills and some of the ailments that our society has.

But what does this resolution do? It simply tries to give the government a pat on the back for bringing in an act that was actually brought in in 1999, and then they went ahead and of course massaged it.

Let us take a little bit of a history lesson here, Mr. Deputy Speaker. In 1999, this province was not plagued with gangs. The gangs actually came in under the administration of this New Democratic government. So the Hells Angels, the Bandidos are all gangs who kind of found a home here in this province under sort of the sleepy eye of the NDP government that we have with us today. Today, in 2006, we have to have legislation that allows for communities to take action against activities that are detrimental to their neighbourhoods and to their children.

So, Mr. Deputy Speaker, back in 1999, the legislation may not have addressed all of the kinds of activities that gangs are involved with today because we did not have that kind of ill in our society in that period of time. Nevertheless, there was some, but not the gangs that we have present in our province today. It is an unfortunate commentary on the state of our province, but, more so, it is unfortunate that the government and our Justice Minister allowed this kind of disease to grow in our province to an extent where society actually started to call out for some

legislation and some action to be taken, because this government has never acted proactively. It is always in a reactive mode, regardless of what the initiative is.

Mr. Deputy Speaker, we have not seen a lot of innovation on the part of this government, regardless of what initiatives they are. When it comes to safety and justice issues, this government, as their former government, the Pawley government, was guilty of, they have very little concern when it comes to justice issues. They would rather turn a blind eye to issues that are plaguing society rather than deal with them up front in a proactive way. That is why they have always lost the case of justice issues in this province. If you were to poll Manitobans, Manitobans would tell you that this government and NDP governments of the past have a poor track record when it comes to safety issues and to justice issues in this province.

But, Mr. Deputy Speaker, that is not the case with this side of the House. We understand the kinds of issues that have to be addressed when it comes to justice. We have always been strong on justice issues. So, when I look at this kind—*[interjection]* The Member for Minto (Mr. Swan) may have some views about my constituency and the area that I represent, but I do not reflect on the constituency of Minto or its representative, because they chose him to represent them in this Legislature and he has a responsibility to do that. *[interjection]* Now, if he wants to reflect on the constituents in Russell and myself as an individual, that is his option. I let him do it, and he can be accountable for that.

Mr. Deputy Speaker, when I look at the initiatives of one Mr. Harry Lehotsky, who has worked with the inner-city issues, as a former Minister of Education I can tell you that in the education community, you come to deal with issues that are prevalent in the inner city as well, and the Minister of Education (Mr. Bjornson) would know this. So when I look at the kinds of efforts that Mr. Harry Lehotsky put forward on behalf of the inner city, one would have to say that we should listen more to people like Harry Lehotsky. Instead of coming in here with the resolution, as the Member for Wolseley (Mr. Altemeyer) has, which, in essence, was developed in their caucus by their research staff who said, here, you go and put this resolution forward because we think it is a good one, I say to them go out and take a look at what work is being done by people like Mr. Harry Lehotsky. Look at the good work that they are doing, and come back to this Legislature with a resolution that recognizes the

effort of people like that, rather than coming into the Legislature here and trying to pat yourself on the back for efforts that fall very short of what the mark really should be. *[interjection]*

The Member for Minto says that I am not too familiar with issues as they relate to the inner city. Well, he is wrong, because, if he were to go back to my family tree and perhaps look at the people that I am related to who live in the inner city, he might have a different view of the world at that point in time. He should do a little bit of research on his own before he makes comments with regard to my understanding of issues in this city.

Mr. Deputy Speaker, you see, that is the kind of, I guess, arrogant attitude that some of our representatives have on that side of the House because, if they were attuned to perhaps what knowledge there is in this Chamber of issues right across the province, they would be more respectful of members in this Chamber. I can speak on inner-city issues because I know something of what happens in those cases. I say to the member who has put this resolution forward: Go back and do some homework. Go back and take a look at what initiatives have been taken by previous governments. Go back and take a look at the work that people like Mr. Harry Lehotsky have done in the inner city and where his work has actually resulted in some initiatives that were brought forward by the former government. And then look at the real issues as they relate to the problems in the inner city. Let this government then address the issues of gangs in a more proactive way than it has been doing over the course of the last six years.

With those comments, Mr. Deputy Speaker, I see that my time is up. I thank the Chamber for the opportunity to address this issue. Thank you.

* (11:40)

Mr. Doug Martindale (Burrows): It is a pleasure to speak on this important resolution and I congratulate the Member for Wolseley (Mr. Altemeyer) for putting it forward for debate.

On this side we need not take any advice or lectures from the members of the opposition who in the 1990s were government, a time when there were very active gangs in the inner city of Winnipeg and elsewhere. Their anti-gang strategy consisted of a hotline where people could phone in the hotline that was basically a no-answer line because nobody answered the line. We monitored it and there was

nobody there. It was not a very effective gang strategy.

Then in desperation, in anticipation of the 1999 election, when the government knew they were in trouble they brought in legislation to appeal to their right-wing voters to solidify their base. So they brought in this community protection act, which the Member for Steinbach (Mr. Goertzen) referred to. I would have to say that it was a good idea. The problem is it was flawed legislation, it was not very workable. In fact, had it been proclaimed into law, I cannot imagine that any single individual would have ever sued a neighbour publicly because there was drug dealing or gang activities or any kind of nuisance activities because of fear of reprisal.

The good thing about our bill, The Safer Communities and Neighbourhoods Act, is that reports to the public safety department are anonymous. Normally, they want the individual who is affected to report, but they are flexible. I have reported problem houses and they have accepted a report from me. For example, I was door-knocking on Selkirk Avenue and I ran into a house where I knew the prostitutes from Parr Street were living—*[interjection]* Well, you know, the members opposite can laugh about problems in Burrows constituency, but let me tell you these are serious problems, and when there is activity going on on Selkirk Avenue it is very obvious which houses are involved to anybody who has a store-front office on the street, as I do on the same block.

I was door-knocking, and I knocked on the side door of this house and the tenants told me—

An Honourable Member: Why?

Mr. Martindale: Because I door-knock between elections; it is a good thing to do. The tenants told me that there was a lot of traffic up and down the stairs. I knocked on that door, and the young women that came out, it was very obvious that they were part of the sexually-exploited youth from Parr Street to McKenzie—*[interjection]*

Because I wanted to check it out for myself because I was going to phone The Safer Communities and Neighbourhoods Act staff and report this house. The people who were tenants on the main floor were afraid to phone because they said they feared there were drug dealers there as well as prostitutes and they were afraid of reprisals. So I phoned the Public Safety staff. They did do an

investigation and they shut down the house. They placarded the house.

This is one reason why we support this legislation so strongly is because it is very effective. It has been used a half dozen times in Burrows constituency to shut down sniff houses or booze cans or places of prostitution or drug dens. So it is very effective, not only in Burrows but in Point Douglas and in Wellington and in Minto and in Wolseley and other places. The fact that it has been used 150 times and that nobody has challenged the constitutionality of it is very significant.

It enjoys good community support. For example, last week I was invited as a guest to speak to the Selkirk Avenue BIZ and the Mosaic Market BIZ. It was a meeting entirely of business people. There were about 30 business people there at the Ukrainian Canadian Legion Branch 141. I was asked to talk about what the government is doing to help business. Well, this legislation is one of the things that we are using to make neighbourhoods safer, which is a good thing for business on Selkirk Avenue and on Main Street. Two people in the audience specifically mentioned The Safer Communities and Neighbourhoods Act and said: This is effective legislation, phone the Public Safety branch, they will come and investigate and they will shut down houses that are a nuisance in the neighbourhood.

Earlier today, one of our members quoted Point Douglas resident Heather Getty [*phonetic*], who said that the act had already helped get rid of many problem houses in her neighbourhood. She said: Within five days a problem house can be shut down and we have seen that happen, noting that she once felt like a prisoner in her home. Quote: Our neighbourhood is cleaning up, and we are feeling wonderful about it. Anything for The Safer Communities Act has my support.

Also, in Burrows constituency, I had a public meeting to deal with the problem of prostitution. I invited the police to attend, and I invited the staff from the Public Safety Unit. A couple of people in the audience that night were familiar with this piece of legislation. In fact, a rather embarrassing thing happened because I had done a mailing, and I had sent out copies of information about The Safer Communities and Neighbourhoods Act. One of my constituents ripped up the piece of information that I had sent out and stormed out of the meeting and said this piece of paper was useless. Well, I wish this constituent had stayed around a little longer because,

not only did the Public Safety Unit say that this is one of the things that you can do to get rid of nuisance houses but so did people in the audience. So, the information that I had sent out was being endorsed by people in the community as well as by the staff from the Public Safety Unit.

So there are people in Burrows constituency and elsewhere who benefit from this legislation, unlike the previous Community Protection Act that I do not think anyone would have benefited from or anyone would have used. I think that was their entire anti-gang strategy. I cannot remember anything else from their gang strategy. It just did not exist. I think it was Tommy Douglas who said that it does not matter [*interjection*] it does not matter—no, I think the Member for Steinbach (Mr. Goertzen) should listen to this, it does not matter where you get a good idea. Do not be afraid to borrow ideas; use them for your own. And that is what we did. As I said earlier, it was a good idea, but it was terribly flawed legislation, so we scrapped the old bill because it did not work, and we totally rewrote it with a totally different focus and passed it in 2002. It has been used 150 times, very effective legislation, and we are shutting down these problem houses, and that is what it is intended to do.

Now, I do not know whether I need to read into the record all these other wonderful things, but certainly there are other acts that work in conjunction with this, for example, The Fortified Buildings Act. This act has been used as well to close down properties, 14 properties. It has been used to force the removal of unreasonable fortifications at 14 properties under The Fortified Buildings Act.

I remember when we were debating this in the Legislative Review Committee and the Legislative Counsel staff said that, well, there are going to be a whole lot of details in the regulations, and one of them was that it was going to be illegal to have a moat. So I suggested that if you have a moat, it should also be illegal to have a ramp over a moat. Now I cannot think of the word exactly—

An Honourable Member: Drawbridge.

Mr. Martindale: A drawbridge, yes. An example that I gave was a gang house on Burrows Avenue run by a motorcycle gang who had a side door, a fortified door, and they would open the door, and they had a drawbridge on a pulley system that went out onto the street. They drove their motorcycles up the drawbridge and into the clubhouse and then shut the fortified door. So the government really needs to be

more creative than the gangs. If the gangs think of something in terms of fortifying their gang house, then I think it is justifiable that the government has legislation to make fortifying of houses and gang headquarters illegal.

I think probably the government of Québec has been quite innovative in this area, because they have had a serious problem with gangs in that province. In fact, there was an attempted murder of a journalist who was covering gangs, and they have stayed one step ahead. I think other provinces, other jurisdictions, need to follow the lead of provinces like this and come up with new and innovative legislation. Certainly, our NDP government in Manitoba has done that with The Safer Communities and Neighbourhoods Act, and, in conclusion, I look forward to seeing it used many, many more times, not only in Burrows constituency but in the inner city and in other places in Manitoba. Thank you, Mr. Deputy Speaker.

* (11:50)

Mr. David Faurshou (Portage la Prairie): I do want to say to the Member for Wolseley (Mr. Altemeyer), because he has brought forward this resolution, that he wants to be known as innovative and leading with new ideas, but why, then, this resolution? It is a backslapping type of resolution that speaks nothing of innovation or new ideas.

So I wonder, the contradiction. I know that he is a well-educated individual, how he then gets conned into putting on the record what he stands for is basically a bunch of fluff. So this resolution, although in place before us, does not have any true innovative or new ideas. But it does give an opportunity to lay out what has happened in the province here in the last seven years, and I will speak specifically of the community which I represent, Portage la Prairie.

It was stated in the House here by the New Democratic member of this Legislative Assembly from Riel that Portage la Prairie was in fact the child poverty capital of, not only Manitoba, but Canada. Those words are placed upon this record. That is the observation that this government has made, yet this government recognizes that Portage la Prairie does not qualify for any of the programs that they have brought out for inner city.

I look to the Member for Minto (Mr. Swan), and I ask him very specifically, if you really, truly believe in inner city and persons in need, why then,

because the community—because that is the only reason I can understand yet is represented by the opposition member—does not qualify for the Neighbourhood Alive! Program when in fact we, as this New Democratic government states, Portage la Prairie has more poverty stricken young people than any other place in Manitoba? Yet this government refuses to offer that program to Portage la Prairie because who knows why?

This government continues to look at it as a reactionary mode. It has been well stated and documented that this government is very, very soft on crime and has been coined by the police services here in this province as the catch-and-release government. The police services catch them and this government releases them, and that is a fact.

Mr. Speaker in the Chair

This government then decides that, oh, we have got to be shown as innovative and we have got to make certain that people feel safe in their homes. So, what do they do? They come out with a program, a program for those persons feeling that they are vulnerable to crime. Well, we will pay, we will pay as a government, a New Democratic government, to put bars on your windows and deadbolts on your door to make you feel safer because we believe criminals should be out there. We do not believe in prosecuting and keeping criminals in jail and making our community streets safer by looking at who is perpetrating the crime. No. We will make you the criminal by putting bars on the public's windows to keep the public safe in their homes. That is the way this New Democratic Party thinks.

God's sakes, man, do you not think the criminals should be on the inside of the bars, not the general public? Oh, boy, that would really be an innovative idea for the New Democratic Party. Do you not think the locks should be keeping the criminals inside rather than the individuals that believe in following the law and paying for their own homes and contributing to the economy and the well-being of Manitoba all their lives? Now that they are senior citizens, they are afraid to go outside of their homes. But we will help you stay in your homes by putting bars and deadbolts on your home.

I want to take this opportunity, though, to recognize a gentleman, a true gentleman, that believes in taking care of not only his own family, but he believes in taking care of his community. That is the Reverend Harry Lehotsky. Reverend Lehotsky and I are familiar with each other, although I will not

say close friends. I had the privilege of getting to know Reverend Lehotsky when he chose to come forward and put his name on the ballot beside the Progressive Conservative Party of Manitoba because he believed that the Progressive Conservative Party of Manitoba was on the right track and that he was stepping forward to assist the Progressive Conservative Party to continue on that right track because he knew of all of the problems in the community to which he has dedicated himself.

He did not go to the New Democratic Party to do that. No, he chose the Progressive Conservative Party because we, on this side of the House, know that there are problems out there and we want to address them. Unlike the program that I just spoke of, we want to address the problems rather than going after the consequences of those problems.

This government does want to crow a lot of their programming and does want to say how much progress they are making. Well, in reality, you are not. You are not making progress. All you are doing is making a litany of announcements. Looking at the problems out there, they are continuing to escalate. In 1999, we did not have the Hells Angels officially here in the province of Manitoba. We did not. They were welcomed here into the province and recognized. How did this government recognize them? They gave them a licence to open up storefront activities here and to actually make a profit that would in turn support the Hells Angels motorcycle gang activities here in the province of Manitoba. This is what this government believes in as being proper and actually very welcoming to business here in Manitoba, regardless of who is wanting to carry on that business.

They talk about saying that they are against pornography and prostitution, yet we have got a minister that proudly states that through their due diligence they have made sure that there are loan monies available for businesses that want to promote pornography here in the province of Manitoba. I think that this government should take a real close look at themselves in the mirror before they decide to bring forward a resolution of this nature that wants to make themselves look better than they really are.

But when you look at the actual facts of the matter, I do not think this government should basically be too doggone proud of the situation that is unfolding out there on the streets of Manitoba.

Look at why persons are engaged in drugs, why persons are engaged in gangs, why women here in the province of Manitoba are having to prostitute themselves. That is what you should be, as a government, looking at and resolving the problems that drive persons into despair, rather than trying to then punish them once they are conducting themselves in an illegal activity.

So, Mr. Speaker, I do not share this government's pride in accomplishment in regard to making our communities safer and our neighbourhoods ones that we can be proud of. I think that they should be embarrassed about having the situation that exists out there today. If you do not want to believe me that there are more problems facing individuals in today's society than there were a decade ago, then just talk with the police services members out there on a daily basis and you will hear it directly from them.

Thank you very much, Mr. Speaker, for the opportunity this afternoon.

Introduction of Guests

Mr. Speaker: Before recognizing the honourable member, I would like to draw the attention of honourable members to the public gallery where we have with us from Oak Bluff Community School 50 Grades 3 and 4 students under the direction of Ms. Gail Jarvis and Mrs. Diane Trudeau. This school is located in the constituency of the honourable Member for Morris (Mrs. Taillieu).

On behalf of all honourable members, I welcome you here today.

* * *

Mr. Peter Dyck (Pembina): I, too, am pleased to be able to put a few comments on record. I want to indicate right at the outset that there is a very apparent irony in that the Member for Wolseley (Mr. Altemeyer) would—

Mr. Speaker: Order. When this matter is again before the House, the honourable member will have 14 minutes remaining.

An Honourable Member: Fourteen?

Mr. Speaker: Nine minutes remaining, will have nine minutes remaining.

The hour being twelve noon, we will recess and will reconvene at 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, May 30, 2006

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