
Manitoba



Annual Report
1997, 1998, 1999, 2000 and 2001

**The Manitoba Labour
Management Review
Committee**

January 1, 1997 – December 31, 2001

Honourable Becky Barrett
Minister of Labour and Immigration
Province of Manitoba
Room 317 Legislative Building
Winnipeg, Manitoba R3C 0V8

Dear Minister Barrett:

On behalf of the Manitoba Labour Management Review Committee, I have the honour to submit to you the Committee's Report for the five year period ending December 31, 2001.

The Committee hopes the report will be informative and useful to members of the Legislative Assembly.

Yours sincerely,

Wally Fox-Decent
Chairperson

REPORT OF
THE MANITOBA LABOUR MANAGEMENT REVIEW COMMITTEE

JANUARY 1, 1997 TO DECEMBER 31, 2001

HISTORY

The Labour Management Review Committee (LMRC) was established in 1964 by a unanimous resolution of the Legislature. In its original form, the Committee's mandate was to undertake a continuing and comprehensive review of labour legislation and labour-management relations in the Province of Manitoba.

The LMRC, with equal representation from labour and management, came into being as the culmination of a process which began in 1963. Several labour-management seminars were held over a 12-month period to examine the main aspects of industrial relations in Manitoba. Labour and management representatives attended these sessions, and a consensus developed that the establishment of a permanent committee representing both parties would make a valuable contribution to labour-management relations. In the Speech from the Throne of February, 1964, the government announced its intention to establish such a committee. The Manitoba Labour Management Review Committee was formed shortly thereafter.

STRUCTURE

In a review of the LMRC conducted in 1999, committee members examined their role and function and developed a new structure and mandate to improve committee effectiveness in providing timely advice to the Minister of Labour. From 1989 to 2000, the LMRC was guided in its activities by a Steering Committee (6 members), which coordinated the work of the Full or Main committee (26 members). The Steering Committee was responsible for setting the direction and focus of sub-committees and performing much of the policy review work of the LMRC. It then reported back to the Main committee for final review and approval of various policy issues.

In April 2000, the structure of the Committee was changed. The membership of the LMRC currently consists of 5 labour and 5 management representatives (decided as appropriate by the labour and management constituencies), a chairperson, a vice-chairperson, a government representative and a secretary (appointed by the Minister of Labour). The length of term and conditions of appointment are determined by the respective caucuses. Each caucus co-chair is responsible for ensuring that there are processes in place for obtaining input and representation from their broader constituencies and for keeping them informed on committee developments.

The Arbitration Advisory Sub-Committee was retained but the other standing committees (Health Sector Working Group and Construction) were disbanded. It was decided that new sub-committees or working groups would be created as needed with the membership to be determined by each caucus.

Another change that took effect in 2000, was the addition of alternate members to the LMRC. Each caucus has named one individual to attend those meetings where there are not enough regular members to meet a quorum of 3 representatives each for labour and management.

Please see Appendix A for membership of the LMRC and its sub-committees as of December 31, 2001.

METHODS OF OPERATION

The LMRC has felt, since its inception, that open and frank discussions would best be facilitated if attendance was restricted to committee members only.

The minutes of committee meetings, are produced for the benefit of the members and their respective caucuses. Members are generally not identified in the proceedings.

In addition, a communications= guideline has been developed for dealing with questions from the media or stakeholder groups. Generally, the guideline states that members are free to express their own opinions on issues as long as it is understood that these comments are those of the individuals and not that of the LMRC. Only the chairperson or individuals designated by the chairperson, can speak about matters before the committee. A copy of the guideline is contained in Appendix B.

When the LMRC arrives at a decision which has majority support from each side, the recommendations for action are then forwarded to the government or the appropriate body.

The Chairperson of the LMRC communicates regularly with the Minister of Labour and departmental officials to update them on the current and planned activities of the committee.

From time to time, the LMRC decides to examine issues of broad interest to labour and management. When appropriate, seminars or conferences are organized to which a variety of interested individuals and groups may be invited. The proceedings of these conferences are published when they are felt to be of lasting value and interest to a wide readership.

The LMRC is assisted in its work by the research facilities of the Manitoba Department of Labour and Immigration. A staff person of the department also functions as the LMRC's secretary.

Labour and management members serve voluntarily on the LMRC without remuneration for the time they devote to its work.

MANDATE AND GUIDING PRINCIPLES

The mandate of the Labour Management Review Committee is as follows:

MANDATE

MISSION

The Manitoba Labour Management Review Committee's mission is to promote a harmonious labour relations climate and to foster effective labour-management cooperation in support of the economic and social well-being of Manitobans.

OBJECTIVES

1. To provide leadership in promoting labour-management cooperation and fostering a stable labour relations climate in Manitoba.
2. To provide the Manitoba Government with an ongoing review of proposed labour legislation with the intent of reaching consensus between labour and management whenever possible.
3. To respond to problem areas in labour-management relations and to develop policies/initiatives to resolve them.
4. To discuss, on an ongoing basis, emerging issues of common concern towards a better understanding of each other's point of view.

GUIDING PRINCIPLES

- Take leadership in promoting effective labour-management relations.
- Provide objective and independent advice to government and others.
- Identify and address emerging labour-management relations issues.
- Seek consensus on issues and where honest differences occur, identify the differing views of labour and management.
- Communicate with the labour-management community on relevant issues.
- Act as an effective sounding board for proposed government policy.
- Operate as an autonomous but responsive entity in relation to the provincial government.

COMMITTEE ACTIVITIES – 1997, 1998, 1999, 2000 and 2001

1. Consolidation of Employment Standards Legislation

During 1997 and 1998, the Labour Management Review Committee completed an extensive review and assessment relating to the consolidation of employment standards legislation and proposed regulations. The process included conducting comprehensive consultations, drafting an interim report containing a clause-by-clause review of the first draft of a proposed Code, and providing consensus recommendations to the Government. As a result, three employment standards statutes were consolidated into one *Employment Standards Code*, and three regulations were proclaimed: the *Minimum Wages and Working Conditions Regulation*, the *Home and Residential Care Workers Regulation*, and the *Domestic Workers Regulation*. The consultation process proved to be a successful example of stakeholder participation in developing public policy, with Committee members spending time consulting with their respective constituencies to ensure that a complete and detailed study was undertaken.

2. Reorganization of the Labour Management Review Committee

In 1999, a survey of Labour Management Review Committee members was conducted to obtain feedback and advice regarding the operational effectiveness of the Committee. The survey questions related to the Committee's mandate and objectives, membership, structure, activities, and future plans and priorities. Based on the results of the survey, the decision was made to restructure the LMRC. Effective April 2000, the structure of the committee was changed from a Full committee, comprised of 26 members, plus a Steering committee of 6 members, to one body with a membership of 5 labour representatives and 5 management representatives. The structural change represents a shift away from sectoral representation towards a more direct representation of broader constituencies. In addition, the Arbitration Advisory Sub-Committee was retained with the remainder of the standing committees disbanded. New sub-committees or working groups are to be created as needed.

3. Successor Rights Legislation

In 2000, the Committee was asked to examine a proposed amendment to *The Labour Relations Act* to explicitly address situations where a business or part of a business operating under federal labour jurisdiction is sold, leased or otherwise disposed of and becomes subject to provincial labour laws. Following the LMRC's review, Bill 18 was introduced and passed in 2000 to amend the Act to clarify that businesses transferred to provincial jurisdiction would be subject to provincial successor rights provisions. One amendment (s.58.1) states that when a business governed by federal law is sold and is then governed by Manitoba law, the purchaser is bound by any collective agreement in force at the time of the sale.

4. Review of Proposed Amendments to *The Labour Relations Act*

At the end of May 2000, the LMRC was asked by the Minister to undertake a review of 11 proposed amendments to *The Labour Relations Act* and to offer advice on collective agreement resolution alternatives. In response to the Minister's request, the Committee carried out a review of the proposed amendments within a very limited timeframe. The LMRC members met continuously over the course of one week to review and discuss the proposals. On June 21, 2000 the LMRC provided the Minister with its comments in this regard. Subsequently, the Government introduced Bill 44, The Labour Relations Amendment Act.

5. Maternity/Parental Leave Legislation

During 2000, the Committee reviewed a proposal for legislative amendments to *The Employment Standards Code* pertaining to maternity/parental leave. Based on the LMRC's unanimous recommendations, the Code was amended to enable Manitoba workers to take advantage of improved maternity and parental leave benefits under federal Employment Insurance legislation.

6. Arbitration Advisory Sub-Committee Activities

Beginning in 1997, the Arbitration Advisory Sub-Committee of the LMRC undertook a review of the list of arbitrators that is maintained by the Manitoba Labour Board. The Sub-Committee also reviewed the selection criteria for arbitrators as well as its applicability to the existing list of arbitrators. Effective September 2000, there were some changes made in terms of the management representatives on the Arbitration Advisory Sub-Committee. Shortly thereafter, the Sub-Committee was convened and provided the Labour Board with a unanimous recommendation regarding individuals for inclusion on the list of arbitrators. In January 2001, the Labour Board notified the LMRC that the recommendations of the Sub-Committee had been accepted.

CONCLUSION

The Manitoba Labour Management Review Committee, together with its sub-committees, remains a critical and valuable resource for labour-management consultation and cooperation across a wide range of issues of consequence to the province. The LMRC has a unique capability to give a balanced assessment of issues as they may impact both labour and business. Effective dialogue and cooperation between the labour market stakeholders and with government is recognized as a crucial step in building a strong and vibrant economy in Manitoba.

The Committee therefore urges the Government of Manitoba to utilize the LMRC for feedback and advice on all labour relations matters. This would ensure that proposed regulatory and policy changes benefit from reviews that balance the perspectives from both business and labour. In turn, this would help promote commitment as well as a positive working relationship among the key stakeholders.

APPENDIX A

COMMITTEE AND SUB-COMMITTEE MEMBERSHIP

AS OF DECEMBER 31, 2001

**MANITOBA LABOUR MANAGEMENT REVIEW COMMITTEE
MEMBERSHIP
AS OF DECEMBER 31, 2001**

Labour Representatives

Rob Hilliard
Manitoba Federation of Labour

Ken Hildahl
Manitoba Government and
General Employees' Union

Dave Martin
Manitoba Building and Construction
Trades Council

Robert Ziegler
United Food and Commercial Workers
Local 832

Wally Pindera
Manitoba Teachers' Society (retired)

Alternates

Jim Murphy
Operating Engineers of Manitoba

Management Representatives

Peter Wightman
Construction Labour Relations
Association of Manitoba

Candace Bishoff
Manitoba Employers' Council

Ken Entwistle
Hudson Bay Mining and Smelting

Darcy Strutinsky
Winnipeg Regional Health Authority

Jim Witiuk
Canada Safeway Limited

Chairperson

Wally Fox-Decent

Vice-Chairperson

John Atwell

Government Representative

Jim Nykoluk

Secretary

Glenda Segal

**ARBITRATION ADVISORY SUB-COMMITTEE
MEMBERSHIP
AS OF DECEMBER 31, 2001**

Labour Representatives

Rob Hilliard
Manitoba Federation of Labour

Paul Moist
Canadian Union of Public Employees

Wally Pindera
Manitoba Teachers' Society (retired)

Ken Hildahl
Manitoba Government and General
Employees' Union

Management Representatives

William Gardner
Pitblado Buchwald Asper

Darcy Strutinsky
Winnipeg Regional Health Authority

Terry Voss
University of Manitoba

Jim Witiuk
Canada Safeway Limited

Chairperson

Wally Fox-Decent

Secretary

Glenda Segal

APPENDIX B

COMMUNICATIONS' GUIDELINE

PUBLIC INFORMATION GUIDELINE

THE MANITOBA LABOUR MANAGEMENT REVIEW COMMITTEE

Information on labour management issues should generally be publicly available, not only because of its importance to the public, but because of the openness required by "right-to-know" legislation at both the provincial and federal levels.

The general Guideline will be followed by the members of the Labour Management Review Committee and its sub-committees under the following parameters:

1. The Chairperson of the LMRC will act as the spokesperson for the Committee on all matters under consideration by the Committee. Notwithstanding this procedure:
 - a) Another person(s) may be designated by the LMRC for a specific matter(s); or
 - b) Another person(s) may be designated by the Chairperson in the absence of the Chairperson.
2. Matters under active consideration by the LMRC may be commented on in general terms, but not specifically, unless so considered and agreed to by the Committee.
3. Matters concluded by the LMRC may be commented on specifically, provided they do not require further decision by government. In the case that they require further decision, members' comments should so indicate and information should be sought from those required to make the further decisions.
4.
 - a) Members of the LMRC are free to comment on their principal's positions on matters under consideration by the Committee as long as it is made clear that the position is that of the principal and not that of the LMRC; and
 - b) Members of the LMRC may keep their principals apprised of various matters under consideration to the degree appropriate.

PUBLIC INFORMATION GUIDELINE

THE MANITOBA LABOUR MANAGEMENT REVIEW COMMITTEE

(cont'd)

5. Since the LMRC is not a public body, its meetings are closed, except as decided by the Committee. This does not preclude the LMRC from having persons other than members in attendance to facilitate the deliberations of the Committee.
6. Minutes, once approved by the LMRC, will be distributed to all members of the LMRC. (Commentary to follow the procedure outlined in 1, 2 and 3).
7. Materials used in assisting the LMRC in its deliberations should remain within the Committee unless decided otherwise by the Committee:
 - a) If these are the property of groups outside the LMRC, they are under the control of these groups.
 - b) If these are the result of the work of the Department, they are under the control of the Department.
8. All members of the LMRC and its sub-committees are to be provided with a copy of these Guidelines.