
Manitoba



**Annual Report
2007**

**The Manitoba Labour
Management Review
Committee**

January 1, 2007 – December 31, 2007

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

Dear Minister Allan:

On behalf of the Manitoba Labour Management Review Committee, I have the honour to submit to you the Committee's Report for the period ending December 31, 2007.

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

Yours sincerely,

Michael Werier
Chairperson

REPORT OF
THE MANITOBA LABOUR MANAGEMENT REVIEW COMMITTEE

JANUARY 1, 2007 TO DECEMBER 31, 2007

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, 2006.

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 - 2007

February Statutory Holiday

After broad public support for a new holiday by Manitobans, major media outlets and both opposition, in February 2007, the Manitoba Labour Management Review Committee (LMRC) was asked by the Minister to provide advise and recommendations regarding proposed amendments to *The Employment Standards Code (Code)*. Based on the outcome of the LMRC's deliberations, the new holiday was announced it would be on the third Monday in February. On the new February holiday, retail businesses will be able to operate in accordance with the same rules that apply to Sundays and certain other holidays (Thanksgiving Day and Victoria Day). This means that in municipalities that have a by-law governing retail hours on such days, like Winnipeg, Brandon and Portage la Prairie, retail businesses that normally employ four or fewer workers will be allowed to operate without restriction. Businesses that normally employ more than four workers will be allowed to operate between 12 noon and 6:00 p.m. In municipalities without such a by-law, like Steinbach, any retail businesses may operate without restriction provided they do so with four or fewer workers. As is the case with other statutory holidays, non-retail establishments will not be restricted in their hours of operation on the new holiday.

Section 87.1-87.3 of *The Labour Relations Act*

In October 2007 the LMRC was asked to review the procedures in accordance with Section 87.4 of *The Labour Relations Act* respecting the expedited settlement provisions during a work stoppage. Labour and management have met to review the process and identify areas of concern. It was agreed by both parties that further discussion was necessary to develop their positions and possible suggestions for amendments.

Construction Labour Relations Legislation

The Minister requested that a construction sub-committee of the LMRC work towards developing legislative proposals for construction labour relations legislation. Numerous meetings and discussions have taken place. Discussions are continuing.

Reservists Job Protection Leave

On February 2007, the Honourable Nancy Allan, Minister of Labour and Immigration asked the LMRC to review a proposal to provide unpaid leave for Reservists who leave their civilian employment to serve our country. Based on the consensus recommendations of the LMRC

amendments to *The Employment Standards Code* provides unpaid leave and job protection for reservists who volunteer for service.

Agricultural Workers

During the public review of *The Employment Standards Code* in 2005/2006, as conveyed to the Minister in two reports dated May 18, 2006 and November 9, 2006, the LMRC reached consensus on all issues except coverage for agricultural workers. When the LMRC first considered this matter in February 2006, it recommended that since agriculture is a complex and diverse industry, there should be further consultation with industry stakeholders on any proposed changes. Therefore the LMRC, as well as staff from Labour and Immigration and from Manitoba Agriculture, Food and Rural Initiatives (MAFRI) have held several discussions with industry stakeholders regarding this matter to ensure any potential changes reflect the unique and complex nature of the industry and its sub-sectors. As a result, the Department focused consultations on three main themes:

- Ways to ensure that any exclusion for agricultural workers is clear and appropriate by revising the current definition of agriculture in the Code, possibly to focus the definition on those who work on a farm and are directly engaged in primary production of certain agricultural products.
- Ways of recognizing the special circumstances of smaller family-run farms by considering such matters as the exclusion of family members from employment standards provisions and determining the appropriate definition of family members.
- Ways to ensure provisions that might be extended to agricultural workers reflect the industry and employment realities of various sectors of the agriculture industry.

Upon completion of its initial consultation with agricultural stakeholders and, based on these consultations, proposals were developed regarding the status of agricultural workers under the Code in light of the three themes listed above. Taking into account the feedback from agriculture industry representatives, final proposals were submitted to the agriculture industry representatives and the LMRC for discussion and stakeholders were invited to present their views on the proposals. Although the LMRC was not able to reach a consensus on this issue, both the labour and management caucuses and the agricultural industry representatives devoted considerable time and effort to working together to discuss the matter.

CONCLUSION

The Manitoba Labour Management Review Committee, together with its sub-committees over the past 40 years, has continued to be very successful in promoting a harmonious labour relations climate. The LMRC has a unique capability to give a balanced assessment of issues as they may impact both labour and business. The Committee remains an important and valuable resource for labour-management consultation and cooperation across a wide range of issues of import to the province. 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, 2007

MANITOBA LABOUR MANAGEMENT REVIEW COMMITTEE
MEMBERSHIP
AS OF DECEMBER 31, 2007

Labour Representatives

Darlene Dziewit
Manitoba Federation of Labour

Bill Comstock
Manitoba Government and
General Employees' Union (retired)

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

William Gardner
Pitblado

Ken Entwistle
Hudson Bay Mining and Smelting

Darcy Strutinsky
Winnipeg Regional Health Authority

Jim Witiuk
Canada Safeway Limited

Chairperson

Michael D. Werier

Vice-Chairperson

John Atwell

Government Representative

Rick Rennie

Secretary

Jay Short

Logistical/Other Support

Karen Lockhart

**ARBITRATION ADVISORY SUB-COMMITTEE
MEMBERSHIP
AS OF DECEMBER 31, 2007**

Labour Representatives

Darlene Dziewit
Manitoba Federation of Labour

Vacant
(Due to Paul Moist's departure from
Canadian Union of Public Employees)

Wally Pindera
Manitoba Teachers' Society (retired)

Bruce Buckley
Manitoba Government and General
Employees' Union

Alternates

Paul Labossiere
PML Maintenance

Chairperson

Government Representative

Secretary

Management Representatives

William Gardner
Pitblado

Darcy Strutinsky
Winnipeg Regional Health Authority

Terry Voss
University of Manitoba

Jim Witiuk
Canada Safeway Limited

David Lewis
Manitoba Government and General
Employees' Union

Michael D. Werier

Rick Rennie

Karen Lockhart

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.