



**MANITOBA
LEGISLATIVE ASSEMBLY**

To All Members of the Legislative Assembly of Manitoba

I have the privilege of presenting for your information, the Annual Report of the Legislative Assembly Management Commission for the Fiscal Year ended March 31, 2016.

Respectfully Submitted,

A handwritten signature in black ink that reads "Daryl Reid".

Honourable Daryl Reid
Speaker of the Legislative Assembly and
Chairperson of the Legislative Assembly
Management Commission

Composition of the Commission

Members as at March 16, 2016

Honourable Daryl Reid, MLA
Speaker and Chairperson

Honourable Dave Chomiak, MLA
Government House Leader

Mr. Kelvin Goertzen, MLA
Official Opposition House Leader

Mr. Jim Rondeau, MLA

Mr. Ralph Eichler, MLA

Mr. Blaine Pedersen, MLA

Mr. Matt Wiebe, MLA

Honourable Melanie Wight, MLA

Secretary to the Commission

Ms. Patricia Chaychuk
Clerk of the Legislative Assembly

REPORT OF THE LEGISLATIVE ASSEMBLY MANAGEMENT COMMISSION FOR THE FISCAL YEAR ENDED MARCH 31, 2016

COMMISSION PROCESS

This is the annual report to the Legislative Assembly of the Legislative Assembly Management Commission (the Commission) for the fiscal year ended March 31, 2016.

The Commission is comprised of the Speaker as Chairperson, four MLAs appointed by the government caucus and three from the official opposition caucus. The Clerk of the Legislative Assembly is the Secretary.

During the 2015/2016 fiscal year the Commission held meetings on the following dates to consider various matters:

September 9, 2015
November 2, 2015
December 15, 2015
February 16, 2016

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

- carrying out those Rules of the Assembly and those provisions of *The Legislative Assembly Act* which relate to the financial management of the Assembly;
- reviewing the estimates of expenditure and the establishment of positions for staff required for the proper conduct of the business operation of the Assembly and for the Assembly offices and for the Auditor General, the Registrar appointed under The Lobbyists Registration Act, the Chief Electoral Officer, the Information and Privacy Adjudicator appointed under The Freedom of Information and Protection of Privacy Act, the Children's Advocate, the Conflict of Interest Commissioner appointed under The Legislative Assembly and Executive Council Conflict of Interest Act, and the Ombudsman and respective offices;
- in cooperation with the government, providing facilities and services required by the Members of the Assembly, by the caucuses of the various parties to the Assembly and by the leaders of the parties in opposition;
- formulating administrative policies in respect of the Clerk and the offices required for the administration of the Assembly, *The Legislative Assembly Act* and *The Legislative Assembly Management Commission Act*;
- maintaining a proper system of security for the Chamber and the Assembly Offices, subject to the administrative authority of the department of the executive government of the province charged with the responsibility for such security; and

- advising and giving directions respecting the efficient and effective operations and management of the Assembly.

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

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

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

2015/2016

LEGISLATIVE ASSEMBLY MANAGEMENT COMMISSION

DECISIONS/RECOMMENDATIONS

2016/2017 LEGISLATIVE ASSEMBLY ESTIMATES

The Commission met on December 15, 2015 and February 16, 2016 to consider and approve the 2016/2017 estimates for the Legislative Assembly and for the offices of the Independent Officers of the Assembly.

EMPLOYMENT POLICY CHANGES

Periodic reviews of the Assembly's employment policies are done to ensure the policies are up to date with any changes that may have occurred in Employment Standards, the Human Rights Code, the Government Employees Master Agreement (GEMA), and Civil Service Regulations. Although Legislative Assembly employees are not part of the Civil Service, the Legislative Assembly mirrors Civil Service Employment Policies where applicable.

As a result of the most recent review, the Commission adopted changes to the Employment Policies for the Legislative Interns, for Constituency Assistants, and for the non-political and the political offices of the Legislative Assembly. Also, the Manitoba Legislative Assembly Respectful Workplace and Harassment Prevention Policy, and the Manitoba Legislative Assembly Conflict of Interest Policy were updated.

The changes included: streamlining of the grievance process; appeals to the Commission; changes to several definitions; updating minimum standards regarding protected characteristics under the Human Rights Code; and overtime provisions under Employment Standards, the GEMA, and Civil Service Regulations. Clarification was also provided regarding employee eligibility to run as a candidate in Federal, Provincial or Municipal elections and the obligation to request an unpaid leave of absence to do so.

FRAUD PREVENTION AND REPORTING POLICY FOR THE MANITOBA LEGISLATIVE ASSEMBLY

In order to raise employee awareness of fraud prevention and reporting of suspected fraud, the Commission approved a Fraud Prevention and Reporting Policy for the Manitoba Legislative Assembly. The purpose of the policy is to ensure the reporting, investigation and handling of all incidents where a loss has transpired as a result of an offence or illegal action involving public assets or assets held in trust by the Assembly. The policy applies to all employees of the Assembly.

MANITOBA LEGISLATIVE ASSEMBLY POLICY ON ADDRESSING AND PREVENTING HARASSMENT FOR MLA INTERACTION

The Employment Policies of the Manitoba Legislative Assembly contain provisions addressing and preventing harassment of employees in the political and non-political offices, however, no such policies existed for interactions between Members of the Legislative Assembly. The Commission agreed that such a policy be developed and implemented for the Legislative Assembly

On November 2, 2015, the Commission approved the following policy on addressing harassment for interactions between MLAs:

Manitoba Legislative Assembly Policy on Addressing Harassment

Purpose: Members of the Legislative Assembly of Manitoba (MLAs) have both a special responsibility as well as a unique role as representatives in our democratic system. While our democracy both requires and encourages vigorous debate, it does not support behavior or actions that could be considered harassment.

The purpose of this policy is to ensure that all Members have a respectful, dignified and discreet way of dealing with issues of harassment that may occur between Members.

The policy applies only to the interaction between Members of the Legislative Assembly and does not replace or prevent any of the other existing mechanisms, either legal or quasi-judicial, from being accessed by Members.

Procedures and Options for Resolving Complaints

1. **Speaking With the Person Directly** – When a Member has a complaint against another Member, there is a long standing tradition within the Assembly that the two members in conflict meet to attempt to resolve the matter. However, there is not an obligation that the individual who feels harassed speak first with the Member with whom the complaint exists.
2. **Filing a Complaint with the Speaker or with the Director of Human Resources for the Legislative Assembly** – An individual who feels harassed may file a complaint outlining the matter with the Speaker of the Assembly or the Director of Human Resources for the Legislative Assembly. The Director or the Speaker shall then meet with the Member who has filed the complaint separately and/or together with the Member for whom the complaint is against to try to resolve the matter. These meetings shall be confidential and on a without prejudice basis.

3. **Filing a Complaint** – If the matter has not been resolved through meetings with the Speaker or Director of Human Resources, a mediator, who is approved by both the Member bringing the complaint and the Member who the complaint is against, shall be appointed by the Speaker or the Director of Human Resources. The mediator shall work to try to resolve the conflict between the Members. The mediator may make recommendations to the Speaker or the Director, whomever the original complaint was filed with, as to what further actions to resolve the matter should be taken if necessary. This process shall be conducted in a confidential and on a without prejudice basis.
4. **Reporting** – Annually, the Speaker and the Director of Human Resources for the Legislative Assembly shall disclose confidentially to the Legislative Assembly Management Commission (LAMC) the number of complaints that have been received under this policy and at which stage they were resolved. They shall not however disclose the nature of the complaint or the individuals involved.
5. **Review** – This policy should be reviewed every second year by the Legislative Assembly Management Commission.

PHYSICAL ACCOMMODATION AND ACCESSIBILITY FOR MEMBERS OF THE MANITOBA LEGISLATIVE ASSEMBLY

The Commission requested the Commissioner on Salaries, Allowances and Retirement Benefits to examine the issue of accessibility and physical accommodation for MLAs with disabilities who might require extra assistance in order to perform their MLA duties.

The Commissioner recommended that three hours per week be provided in constituency allowance funding for those MLAs who may require mobility assistance to carry out duties in their constituencies. In addition, it was also recommended that funding be provided for purchasing and repairing hearing aids for those MLAs who might require audio assistance to perform their MLA duties.

The Commission approved the Commissioner's report and adopted the recommendations.

TIMING INCONSISTENCIES BETWEEN THE ELECTIONS FINANCES ACT, THE LEGISLATIVE ASSEMBLY ACT AND THE MEMBERS' ALLOWANCES REGULATION

In 2012, the Commissioner on Salaries, Allowances and Retirement Benefits for Members of the Manitoba Legislative Assembly noted timing inconsistencies between the following Acts and Regulations regarding advertising before an election:

The Elections Finances Act – which states government advertising must cease 90 days prior to a General Election;

The Legislative Assembly Act – which specifies that funds used for printing/mailing (Franking) must cease 60 days before a set election date;

Special Supplies and Assistance Allowance – according to the Allowance, any material printed or mailed or any advertising paid for under this Allowance must cease or be used 60 days before a set election date;

Members' Allowances Regulation – expenses under the Constituency Allowance which include “advertising”, whether by signage or by a message broadcast, posted or published in any media, are paid up to the day the writs are issued.

In addition, caucus office budgets and the Global Mail budget are also used to cover advertising costs and advertising mailing costs.

The Commission agreed that the House Leaders compile a list of questions and concerns to the Commissioner to move onto the next step of evaluating these timing inconsistencies.