



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, 2019.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Myrna Driedger".

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

Composition of the Commission

Members as at March 31, 2019

Honourable Myrna Driedger, MLA
Speaker and Chairperson

Honourable Kelvin Goertzen
Government House Leader

Ms. Nahanni Fontaine
Official Opposition House Leader

Honourable Jon Gerrard
Second Opposition House Leader

Mr. Wayne Ewasko, MLA

Mrs. Sarah Guillemard, MLA

Mr. Tom Lindsey, MLA

Mr. Andrew Micklefield, MLA

Mr. Greg Nesbitt, MLA

Mr. Matt Wiebe, 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, 2019

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, 2019.

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

During the 2018/2019 fiscal year the Commission held meetings on the following dates to consider various matters:

May 14, 2018	December 5, 2018
September 13, 2018	January 24, 2019
October 23, 2018	March 15, 2019
November 22, 2018	

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

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

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

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

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

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

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

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

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

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

2018/2019

LEGISLATIVE ASSEMBLY MANAGEMENT COMMISSION

DECISIONS/RECOMMENDATIONS

2019/2020 LEGISLATIVE ASSEMBLY ESTIMATES

The Commission met on November 22 and December 5, 2018 to consider and approve the 2019/2020 Estimates for the Legislative Assembly and for the offices of the Independent Officers of the Assembly.

ACCESSIBILITY ISSUES

According to s.37 of *The Accessibility for Manitobans Act*, there is a legislative requirement for the Commission to report actions taken by the Commission with respect to accessibility issues. The wording of the Act states:

s. 37 In carrying out its duties and responsibilities under *The Legislative Assembly Management Commission Act*, the Legislative Assembly Management Commission must:

- (a) have regard for any accessibility standards; and
- (b) report to the public – at the times and in the manner the commission considers appropriate – the measures, policies, practices and other requirements implemented by the commission to make progress towards achieving accessibility in respect of the Assembly and its offices.

During the 2018/2019 fiscal year a number of personal listening devices were purchased by the Assembly for use of visitors in the Public Galleries of the Assembly Chamber and the Legislative Assembly Committee rooms. These devices provide an original hearing source for those who may require enhanced audio to better hear proceedings. In addition, general sound levels have been enhanced to provide clearer and stronger audio sound in the Public Gallery.

CAUCUS OFFICE STAFFING AND OPERATING BUDGETS

Set formulas exist to calculate the level of staffing and operating budgets for party caucuses based on the number of seats held by each caucus. Whenever a by-election takes place there is the potential for the number of seats per caucus to be adjusted to incorporate the resignation of an MLA, and the resulting by-election to fill that vacancy. Regardless of when the by-election is held, the resulting staffing and budgetary adjustment would not go into effect until the start of the next fiscal year, April 1.

This could create a disparity whereby a caucus may not receive additional funding or staffing levels it is entitled to as a result of the by-election result, while another caucus may receive more that it is entitled to due to a resignation and vacancy because the financial adjustments do not take place until April 1.

To rectify this imbalance the Commission agreed that adjustments to caucus office staffing and operating budgets will take place automatically and immediately following a by-election instead of waiting until the start of the fiscal year on April 1. Should the by-election results lead to the creation of a new Recognized Party, immediate adjustments are also to occur.

In addition, requests are often made for information pertaining to the budget formulas for establishing staffing and operating budgets for recognized party caucuses, which is considered to be confidential information as per 5.1(3)(c) of *The Legislative Assembly Management Commission Act*.

To provide transparency regarding the budget formulas the Commission agreed that the budget formulas for caucus offices and Independent Members could be publically provided and also made available on the Assembly's website.

The caucus office and Independent MLA staffing and operating budgets are as follows:

The caucus office staffing and operating budget formulas were established in December, 1988 as a result of Legislative Assembly Management Commission (LAMC) all party negotiations.

CAUCUS OFFICE STAFFING & OPERATING BUDGET FORMULA

STAFFING Budget Formula

Four (4) staff for official party status (minimum of four (4) MLAs)

Plus one staff for each four (4) MLAs or part thereof.

Eg: A caucus comprised of 15 members would be entitled to 4 staff plus $(15 \div 4) 3.75$ Staff. However, since it is "part thereof" that makes the .75, a full staff for a total of $(4 + 4) 8$ staff.

OPERATING Budget Formula

\$50,000.00 – official party status

\$10,000.00 – on-going minor capital funding

\$ 3,000.00/MLA – caucus over 4 members (official party status)

\$ 1,000.00/MLA – for all caucus MLAs – approved Feb. 2005

INDEPENDENT MLA STAFFING & OPERATING BUDGET FORMULA

**established in fiscal year 2017/18 as a result of LAMC all party negotiation*

STAFFING Budget Formula

\$27,500.00 (0.50 FTE – AY3 Classification)

OPERATING Budget Formula

\$ 8,700.00

CRITERIA FOR ADVERTISING PAID WITH PUBLIC FUNDS

The Legislative Assembly Management Commission is responsible for establishing criteria and guidelines for printed material, advertising and material distributed electronically that is paid for with public funds on behalf of MLAs and caucus offices.

The Commissioner for Appeals under the Members' Allowances Regulations, Michael Werier, was asked to look into this issue and report back to the Commission with interim criteria and guidelines to be used, pending a decision regarding a consensus change made by the Commission.

Appeals Commission Werier reported back to the Commission the following:

- (1) The current rules as set out in the Members Allowances Regulation will continue to apply to the constituency allowance.
- (2) With respect to other areas, i.e. Special Supplies and Assistance Payments, Caucus Office and Franking, Members and caucuses of recognized political parties must adhere to the following with respect to all the communications set out in section 6.1(1) of *The Legislative Assembly Management Commission Act*:
 - a) May reference a word or initial that would identify a political party, for example NDP government, Conservative opposition, Liberal Members, NDP Caucus, PC Caucus, Liberal Caucus, NDP, PC (or Conservative), Liberal.
 - b) May use statements that are supportive or non-supportive of an MLA's position or a political party's position or a caucus' position or a government position.
 - c) May not use the colour or device or logo of any political party, for example NDP or PC or Liberal party logo, slogan and colour is not allowed.
 - d) Must be free of any statements advocating that money or votes not be given to a person or a political party; and
 - e) Must be free of any statement advocating that a person
 - Join or not join a political party, or
 - Continue to be, or cease to be a member of a political party
 - f) May not promote MLA's own or spouse's financial interest or the interest of any persons provided under the definition of "relative" in the Members' Allowances Regulation.
 - g) May not promote any "for profit" business or organization.
 - h) All transactions must be "non-arm's length" as defined in the Members' Allowances Regulations.

- i) Members and caucuses cannot use derogatory language against another Member or quote from extraneous material critical of another Member. Members cannot use offensive words against a Member or party or misrepresent the position of another Member.

Any dispute arising out of the interpretation and application of the criteria and guidelines shall be referred for decision to the Appeals Commissioner appointed by the LAMC under the Members' Allowance Regulation. As noted, these guidelines are in effect until such a time when the Commission makes consensus changes.

FRENCH LANGUAGES PLAN FOR INDEPENDENT OFFICES

As a result of *The Francophone Community Enhancement and Support Act*, legislative requirements were set out for all public bodies, including the Independent Offices of the Legislative Assembly to create and implement a multi-year strategic French Language Services (FLS) plan.

To be in compliance, the plans for the Independent Officers were submitted to the Commission for approval, and have been approved by the Commission.

FORMULA FOR PRINTING AND MAILING FRANKS WHEN POSTAL WALKS CHANGE

Canada Post changes their postal walks in response to population changes and the growth of housing developments, and these changes can occur as frequently as on a monthly basis. The impact of such a change means that postal walks may not always conform to constituency boundaries. In addition, it may be difficult to have accurate information as to the number of households contained within a postal walk as well as determining whether mailings should be addressed (personalized) or unaddressed (neighbourhood).

This has an impact on MLA frankings (constituency mailings), as the numbers used to calculate the mailing budget for MLAs is provided for the fiscal year as of April 1, the number of items required to be sent as addressed versus unaddressed can change frequently during the fiscal year, and the addressed rate is a higher cost for sending items, versus unaddressed.

To remedy this situation and to ensure a budget shortfall does not prevent MLAs from being able to send out franking pieces, the Commission agreed to an administrative change to the calculation of mail costs.

Provided that the total number of households in a constituency as of April 1 is not exceeded, the new calculation for mail costs will be calculated to include standard delivery rates plus mail preparation costs. This change in calculation will provide flexibility for any changes in postal walks and the

method of delivery (addressed versus unaddressed or personalized versus neighbourhood) through the fiscal year.

The net effect is that the number of addressed householders may increase at any time while the mailing allowance stays consistent with the April 1st numbers.

HUMAN RESOURCES POLICIES UPDATED TO REFLECT CHANGES IN THE EMPLOYMENT STANDARDS CODE RESPECTING PARENTAL LEAVE

Legislative Assembly Employment Policies contain provisions which allow for parental leave without pay for a continuous period of up to 37 weeks, which is in accordance with provisions applied through Manitoba government collective agreements and conditions of Employment Regulations.

Legislation was adopted in Manitoba to extend parental leave provisions to 63 weeks to care for a new child in the family.

Given that the Legislative Assembly mirrors civil service employment policies where practicable, the Commission agreed to update Assembly Human Resources policies respecting parental leave. The revised policies now incorporate 63 weeks (37 weeks parental leave, 26 weeks leave of absence without pay).

Requests will be considered by management and approved subject to operational requirements. Employees who would like to make a request are required to complete a leave of absence without pay form. Employees who are considering additional unpaid leave are encouraged to contact Human Resource Services, Pay and Benefits to discuss the impact of unpaid leave on certain benefits.

LEGISLATIVE ASSEMBLY WORKPLACE IMPAIRMENT POLICY

In response to the legalization of the use of cannabis in Canada, the Commission approved updates to the Manitoba Legislative Assembly Workplace Impairment Policy. The revised policies are as follows:

POLICY

The Manitoba Legislative Assembly requires that all employees adhere to safe work practices and procedures and that the workplace is not only safe for themselves, but for their coworkers and the general public. This policy is not to replace, but rather complement existing policies and guidelines.

RATIONAL

The Workplace Impairment Policy is intended to minimize risks in the workplace caused by the legal or illegal use of prescription, non-medical or any other substance that may cause impairment. The policy recognizes that there are a range of factors that can contribute to the impairment of employees at

work, including the use of prescription substances such as opioids or medical cannabis, as well as non-medical substances such as alcohol, cannabis or illicit drugs.

APPLICATION

This policy applies to all employees of the Manitoba Legislative Assembly including staff of the Non-Political and Political Offices of the Legislative Assembly as well as Constituency Employees employed by Members of the Legislative Assembly.

Non-Political Offices of the Legislative Assembly include:

- Clerk of the Legislative Assembly
 - Committees, Journals, Research, Visitor Tour Program, Sergeant-at-Arms/Chamber Branch, Hansard, Members' Allowances Office, Internship Program, Provincial Page Program
- Office of the Speaker
 - Education and Outreach Services
- Administration
 - Human Resource Services, Finance, Gift Shop, Greetings Branch, Information Systems

Political Offices of the Legislative Assembly* include:

- PC Caucus
- NDP Caucus
- Liberal Caucus
- Office of the Leader of the Official Opposition
- Office of an Independent Member

* Staff employed in the Political Offices of the Legislative Assembly are hired under the authority of the Legislative Assembly Management Commission ("LAMC") but take direction from the relevant Caucus/political office. Political staff hired/appointed by Executive Government or through an Order-in-Council ("OIC") are not employees of the Legislative Assembly and do not fall under this Policy. They are covered under the applicable Civil Service Commission Policy.

PRACTICES

All employees must attend to the performance of their related duties in a fit condition free from impairment, and be able to perform their duties safely and to established standards. Employees must also be presentable (i.e. must not smell of alcohol or cannabis), and must conduct themselves in a manner that upholds public trust.

The employer reserves the right to assess if an employee should remain at the workplace or perform work whenever there is reasonable cause to believe that they are impaired. The employee's fitness for work, the safety and well-being of others, and whether the employee is presentable or otherwise conducting themselves appropriately must be considered.

Where there are reasonable grounds to believe that an employee is in violation of this policy, the employer may also investigate and will, if related to alleged illegal acts, involve law enforcement authorities in the investigation.

There is zero tolerance for possession, use or sale of illegal substances.

Medication

Employees may possess and personally use prescribed and over-the-counter medication while in the workplace or on Legislative Assembly business, but must advise management where use of such substances may cause impairment.

Employees who are required to take prescription or over-the-counter medication must consult with their physician or pharmacist to determine if use of the medication will impair their ability to safely and effectively perform their assigned duties.

Where such impairment may occur, the employee must immediately advise their manager. In the event of such impairment, the employer will consider whether it can accommodate the employee up to the point of undue hardship.

Legal and Non-Medical Substances (i.e. Alcohol/Cannabis)

While alcohol and cannabis products are legal to purchase, discretion must be used with respect to possessing or storing such substances in the workplace. The employing authority has the right to prohibit the possession or storage of alcohol or cannabis products in the workplace.

The employer recognizes that addictions to alcohol and/or drugs are treatable illnesses. Subject to employing authority approval, an employee will be granted sick leave to pursue treatment that involves time away from work for participation in residential, in-patient or out-patient services. Certain other short-term workplace accommodations may be considered in order to support the employee's return to performing the full range of duties of their position. The Employee and Family Assistance Program (EFAP) is one resource available to affected employees.

No employee with an alcohol or drug/substance addiction will be disciplined for voluntarily requesting assistance in dealing with the addiction. However, an employee will not avoid discipline by seeking assistance or declaring the addiction after they have violated any requirement of this or any other policy.

ROLES AND RESPONSIBILITIES

Employees

- Attend work fit, able and presentable in order to perform the duties and tasks assigned to them in a productive, safe and healthy manner.

- Consult with their physician or pharmacist about possible side effects of using prescribed or over-the-counter medication.
- Advise their manager if they have been made aware of possible impairment as a side effect of medication, or if they feel impaired by medication which may affect their judgment, performance or ability to work in a safe and healthy manner.
- Advise their manager if they reasonably believe that another employee may be a safety and health risk to themselves or others due to possible impairment.

Managers

- Ensure that all of their employees work in a productive, safe and healthy environment.
- Take immediate and appropriate action in the event an employee contravenes this policy.
- Consult with Human Resource Services on options to consider regarding suspected or reported allegations of impairment.
- Ensure all employees within their area of responsibility have been provided with education and resources as required (e.g. EFAP, workshops, external resources).

Employing Authority

- Ensure that this policy is communicated to and adhered to by all employees within the Assembly.

Human Resource Services

- Ensure that this policy is implemented fairly across the Assembly by providing support to employees and managers, as required.
- Assist with identifying workplace accommodations.
- Follow appropriate protocols in response to any circumstances involving the contravention of this policy.
- Provide information and resources to support employees who may be impacted by impairment (e.g. EFAP, workshops, external resources).

DEFINITIONS

Impairment is a reduced or weakened state impacting mental or physical capacity. It can be demonstrated by immediate signs and symptoms or through a pattern of concerning behavior. In the workplace, signs and symptoms of impairment may include:

- personality changes or erratic behaviour (e.g. increased interpersonal conflicts; overreaction to criticism)
- appearance of impairment at work (e.g. odour of alcohol or drugs, glassy or red eyes, unsteady gait, slurring, poor coordination)
- working in an unsafe manner or involvement in an accident/incident
- consistent lateness, absenteeism, or reduced productivity or quality of work

Employee Family Assistance Program (EFAP) is a voluntary, confidential, short term counselling service. The purpose of this program is to help employees and their families with problems that have an impact on their home or work life.

REIMBURSEMENT OF LEGAL SERVICES FOR MLAs

From time to time, members of the Legislative Assembly are threatened with legal action in the performance of their duties, and when that happens, MLAs often approach the Commission regarding the reimbursement of legal costs.

In order to provide fair and consistent criteria for the consideration of reimbursement for legal costs, the Commission approved the following policies:

- The Legislative Assembly will only pay legal expenses that arise out of or directly relate to the Member's parliamentary functions.
- The Legislative Assembly will not pay legal expenses if the subject matter is electoral or personal to the Member.
- As a matter of policy, the Legislative Assembly will not pay legal expenses in respect of a Member's dispute with another Member, or with the Assembly or its officers or employees.
- When the events leading up to a legal action are related to a Member's parliamentary functions, the Executive Director, in consultation with the Law Officer, may refer the Member to outside counsel for representation.
- Members who are defendants in legal actions may seek reimbursement of all or part of their legal fees.
- Members are personally liable for the payment of legal fees or out of court settlements until the Speaker, or his/her delegate, approves their reimbursement by the Assembly.