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of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
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Speaker*

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

Member	Constituency	Political Affiliation
AL TOMARE, Nello	Transcona	NDP
ASAGWARA, Uzoma	Union Station	NDP
BRAR, Diljeet	Burrows	NDP
BUSHIE, Ian	Keewatinook	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy	Kildonan-River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
DRIEDGER, Myrna, Hon.	Roblin	PC
EICHLER, Ralph	Lakeside	PC
EWASKO, Wayne, Hon.	Lac du Bonnet	PC
FONTAINE, Nahanni	St. Johns	NDP
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GORDON, Audrey, Hon.	Southdale	PC
GUENTER, Josh	Borderland	PC
GUILLEMARD, Sarah, Hon.	Fort Richmond	PC
HELWER, Reg	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek, Hon.	Interlake-Gimli	PC
JOHNSTON, Scott, Hon.	Assiniboia	PC
KHAN, Obby, Hon.	Fort Whyte	PC
KINEW, Wab	Fort Rouge	NDP
KLEIN, Kevin E., Hon.	Kirkfield Park	PC
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Tyndall Park	Lib.
LATHLIN, Amanda	The Pas-Kameesak	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Malaya	Notre Dame	NDP
MARTIN, Shannon	McPhillips	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice, Hon.	Seine River	PC
MOSES, Jamie	St. Vital	NDP
NAYLOR, Lisa	Wolseley	NDP
NESBITT, Greg, Hon.	Riding Mountain	PC
PEDERSEN, Blaine	Midland	PC
PIWNIUK, Doyle, Hon.	Turtle Mountain	PC
REDHEAD, Eric	Thompson	NDP
REYES, Jon, Hon.	Waverley	PC
SALA, Adrien	St. James	NDP
SANDHU, Mintu	The Maples	NDP
SCHULER, Ron	Springfield-Ritchot	PC
SMITH, Andrew, Hon.	Lagimodière	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Vérendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
TEITSMA, James, Hon.	Radisson	PC
WASYLIW, Mark	Fort Garry	NDP
WHARTON, Jeff, Hon.	Red River North	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC
<i>Vacant</i>	Morden-Winkler	

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, April 18, 2023

The House met at 10 a.m.

Madam Speaker: O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom and know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

We acknowledge we are gathered on Treaty 1 territory and that Manitoba is located on the treaty territories and ancestral lands of the Anishinaabeg, Anishinewuk, Dakota Oyate, Denesuline and Nehethowuk nations. We acknowledge Manitoba is located on the Homeland of the Red River Métis. We acknowledge northern Manitoba includes lands that were and are the ancestral lands of the Inuit. We respect the spirit and intent of treaties and treaty making and remain committed to working in partnership with First Nations, Inuit and Métis people in the spirit of truth, reconciliation and collaboration.

Good morning, everybody. Please be seated.

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

Speaker's Statement

Madam Speaker: I have a statement for the House.

As previously announced, the honourable member for St. Boniface has indicated that Bill 215, The Non-Disclosure Agreements Act, will be his selected bill for this session. In accordance with rule 25 and the letter from the member and the Government House Leader (Mr. Goertzen), Bill 215 will be considered this morning as follows. Debate at second reading will begin at 10 a.m. immediately following this statement. The question will be put on the second reading motion at 10:55 a.m.

SECOND READINGS—PUBLIC BILLS

Bill 215—The Non-Disclosure Agreements Act

Madam Speaker: Accordingly, I will now recognize the honourable member for St. Boniface to move his second reading motion to begin the debate.

Mr. Dougald Lamont (St. Boniface): I move, seconded by the member for Tyndall Park (Ms. Lamoureux), that Bill 215, The Non-Disclosure Agreements Act; Loi sur les accords de confidentialité, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Lamont: First, I want to thank everyone who attended and witnessed the committee meeting on November 2nd where we presented the original version of this bill. I think for anyone who was there, it was absolutely clear that this is a bill that needs to be passed in some form or another. We—there were improvements and suggestions made, but the original challenge with the bill in the first—sorry, the original challenger on NDAs came to us through a number of different avenues, where people have said that they were being pressured into signing NDAs.

And the whole difficulty with NDAs is the degree of silence that they impose on people actually makes it incredibly impossible—or incredibly difficult for people to get justice and for people to speak out, even if it's to a counsellor.

So, the origins of this bill were with Professor Julie Macfarlane and Zelda Perkins. Julie Macfarlane is a professor emeritus at the University of Windsor; she won the Order of Canada and she's been working on this because she dealt with an issue at her university where a professor had a number of charges against them and—but everyone involved was required to sign an NDA and they nevertheless—despite the fact that there was a list of documented abuses and mistreatment of students and other staff—that they got a recommendation letter to go work at another place.

And what he found is that once we talk to people at committee, that it's not bound to any one area. If I consider the witnesses—there was a witness from—who was a Democratic presenter on Fox News in the United States who had been harassed by Roger Ailes, and she testified at committee that she's not even allowed to talk about the Oscar-winning movie that was made about her life.

We talked to people in policing, in business, in journalism, health, education, justice. We've heard in talking to the Law Society of Manitoba that NDAs

have been used, sometimes to silence residential school survivors.

The list goes on, but one of the things that when you actually read—if you read the Hansard, the testimony in Hansard, or if you watched the videos and experienced that, because the individuals at committee were able to speak, they were protected by parliamentary privilege, they were allowed to—essentially that their NDA did not apply.

And so they were able to speak for the first time in years. And there were also cases—individuals—more than one case of family abuse where a family member was victimized, they sued their own family, and in one case a woman who was abused by her father—even though her father died, her father's estate was still keeping her silent.

So, it's truly—this is—it's the origin of NDAs, which is something we actually want to preserve is just to protect intellectual properties. It's the idea that, you know, if you work at a particular place, if, you know, if it's bakery—if it's a technology company, it's—and there's a particular algorithm or something, some piece of technology that needs to be protected, that's what NDAs are for. But they're not to be used for protecting misbehaviour, and that's what we heard over and over again.

So, the other thing—a number of things that happened—one was that we had a recommendation at committee that NDAs—it should be broader than just NDAs, it should also include non-disparagement clauses in contracts. So, this new bill has been improved and strengthened in that manner.

The other is that in February, the Canadian Bar Association has passed a motion by 94 per cent, calling on members to no longer use NDAs to cover up misconduct, while also urging governments to reform the law surrounding the use of NDAs.

So, this is a bill that has the support of the Canadian Bar Association. We consulted extensively prior to the first bill being introduced with the Human Rights Commission and with the people across Manitoba and across the province.

And this is something that has been changing, simply because it's been recognized that NDAs are—have gone too far and that they're too common. And actually, one of the ways in which they're too common—I opened up a Google document, and they have a number of templates, and the second template right there was a basic NDA.

That NDAs have been used very—they've sort of been—become part of the wallpaper. They've become a thing that's used all the time, but people don't really understand the full impact. And back to the testimony of some of the folks in committee, it was clear that people may not be able to speak to their—a counsellor. They might not be able to talk to a psychologist or they—and they're not even allowed to talk to a spiritual adviser.

They're not allowed to share anything with their family; they can't share anything with their future employer. So, it becomes incredibly difficult; incredibly difficult and, in fact, traumatizing for many of these people because I think sometimes when NDAs are presented, they're presented as a sort of escape valve. Other people said, well, you know, if you sign this NDA, you can move on with your life.

* (10:10)

And often there's a payment that goes along with it. But the important thing, which has been emphasized again and again by Professor Julie Macfarlane and by Zelda Perkins and others, when they—their campaign is called Can't Buy My Silence, because the idea here is that the payment that's being made by somebody who's done something wrong is a fine for the fact they've done something wrong. It's not a payment to keep somebody else quiet.

And that's one of the things that has to be recognized, and that this really is something that I think enabled the sort of difficulties and—not just difficulties, the abuse and cover-up by individuals like Harvey Weinstein and others over years and years, to be able to—that—continue abuse because they are—you would have repeat offenders who would be doing the same thing over and over again. Each new victim and each new survivor might think that they're the only one this has happened to, when, in fact, it's somebody where it's happened a number of times.

And we've—we had cases like that at the University of Manitoba, where a university professor was mistreating students. And instead of—in, sorry, in this case again, they were recommended to go to another—they got a glowing letter of reference to go to another university despite the fact that they'd, at one point, were facing criminal charges and had had a number of incidents of complaints of harassment of students.

And the University of Manitoba ended up having to pay more than \$200,000 for violating the individual's privacy. So they—he ended up being awarded for the fact that somebody else had actually

mentioned the truth. And I think that is one of the things about this, is that it's absolutely essential in a free and democratic society for people to be able to be free to speak the truth, and to be free to talk about these things.

And I hope, certainly I know that at committee we had, I think, everyone who was there was absolutely stunned by what they heard, and very rightly so because it was only because people could actually finally speak for the first time that you could see the devastating impact that it had had on individuals' lives. And that's something that we should be very conscious of. Because they've been unable to speak, and that is something that, really, that we're looking to do here.

I hope—I look forward to the debate, and I certainly hope that we can get a unanimous agreement. Or, if not unanimous agreement, most agreement to be able to pass this to the next stage.

Thank you very much, Madam Speaker.

Questions

Madam Speaker: A question period of up to 10 minutes will be held. Questions may be addressed to the sponsoring member by any member in the following sequence: first question to be asked by a member from another party; this is to be followed by a rotation between the parties; each independent member may ask one question. And no question or answer shall exceed 45 seconds.

Mr. Ron Schuler (Springfield-Ritchot): As this issue is being reviewed by the Law Reform Commission, do we have a time frame available for when the Law Reform Commission will release their work in this matter?

Mr. Dougald Lamont (St. Boniface): We don't. I know that the Minister of Justice (Mr. Goertzen) had made a commitment to, and was encouraging the Law Reform Commission to do this as quickly as possible. However, I don't see that as an impediment. The—we made a presentation to the Law Reform Commission. This—not all laws that we talk about—often we bring forward bills where it doesn't go to the Law Reform Commission.

And I would say that something like the endorsement of the Canadian Bar Association, and the fact that it's passed in provinces like PEI, and that it's being passed elsewhere across—both across Canada and being considered—actually, in Ontario, they're bringing in a no-NDA law for universities. That—

I don't see the Law Reform Commission's report as being an impediment to moving this—

Madam Speaker: The member's time has expired.

Ms. Lisa Naylor (Wolseley): Madam Speaker, I'd like to thank my colleague in the Legislature for bringing forward this bill, and I'd like to hear his thoughts on why he thinks the PC government did not support this bill last session.

Mr. Lamont: I—well, look. I'll just say that we always struggled to get our—as an independent member, we always struggle to get our bills forward. I can't actually—I can't speculate on whatever reason that might be. We did try to push this forward as far as we possibly could to make sure that it got to committee.

So, we—and—but—and I know at which point it was a little too late for us to pass it during the last session. But I will say that it did give us the opportunity to strengthen it because there were people who insisted that it needed to have a non-disparagement clause as well.

Ms. Cindy Lamoureux (Tyndall Park): I'd like to thank my colleague for St. Boniface for bringing forward this really important piece of legislation that can affect thousands and thousands of Manitobans.

The member spoke with the Canadian Bar Association, and I'm wondering if he can speak a little bit to what their thoughts were about this legislation.

Mr. Lamont: Well, again, the Canadian Bar Association in February called on members to no longer use NDAs to cover up misconduct and urged government to reform the law. And that was a vote of 94 per cent; it was really, really exceptional. And I do have to give a lot of credit again to Julie Macfarlane, who has been an absolute powerhouse. But that's it—is that recognizing that this is something that's been accepted by the Canadian Bar Association, I think sort of gives us the seal of approval.

Mr. Blaine Pedersen (Midland): I thank the member for bringing this forward, and, obviously, NDAs are not just a problem within Manitoba, but I was wondering if the member—I know he mentioned briefly of other provinces' legislation, but could he elaborate on whether this bill will be similar to other provinces' legislation or has he learned from and made changes to make this even better than other provinces have?

Mr. Lamont: I thank the member. Yes, we have—specifically with the change. Sorry, I'll step back and say that Prince Edward Island passed this unanimously. The bill was substantially developed by

Julie Macfarlane, again, who is a law professor emeritus at the University of Windsor. So, the bill was developed in consultation with her. We also spoke to people around the world from—we participated in an international conference led by Senator McPhedran who's also been trying to get this done at the federal level.

So, the one thing that we have added here is, it was just non-disclosure agreements, but non-disparagement clauses are also essential. And simply to say we actually had a witness who was—signed a non-disparagement agreement, but it was one-sided.

Madam Speaker: Member's time has expired.

Ms. Naylor: I'd like to ask the member from St. Boniface if the PCs' government has communicated to him that they'd support Bill 215 through all stages.

Mr. Lamont: I haven't—no, I haven't received that. I haven't received any such guarantee, but that's par for the course, Madam Speaker.

Hon. Jon Gerrard (River Heights): Yes, two points. One is, of course, we have an example in Manitoba with Peter Nygård. Would this law, if it had been present earlier, have resulted in the matter moving forward more quickly?

And second, if this goes to committee, will the Law Reform Commission, or members, have then an opportunity to present their views at committee stage?

Mr. Lamont: There was a committee member—sorry, a committee presenter, Jan Wong, who was a former Globe and Mail writer who said that in 1995, her very first interview—she had a famous column, Lunch with Jan Wong, which—where she—her first interview subject was Peter Nygård. And then she went to go try to speak to two other individuals about a sexual harassment case and they had been—they could not speak because they'd been required to sign NDAs back in 1995. So that was something that was noted at committee that was—we possibly could have prevented future harm had we—people been able to speak out some 25 years ago.

The other is, anybody should be able to present the law—

Madam Speaker: The member's time has expired.

Mr. Schuler: When survivors came and told their truths at committee, it seemed that most of their concerns were directed towards unions and universities.

Has the member spoken with union leaders about what they are doing to address the abuse that was heard at committee from these survivors?

Mr. Lamont: I will say, we have spoken with people. We've spoken with folks in labour. I do want to correct the record though: it was not mostly unions or universities, it was an incredibly wide range. It was across—it included, I think, like I said, it included police, education, the private sector; it included journalism. It's everywhere. And I think that's—even if we look at Hockey Canada, there were NDAs. If we look at the cases of sexual abuse in the military, there were NDAs.

* (10:20)

It's not—it's endemic. It's not systemic to any one area, it's everywhere. And that's part of the reason why it needs to be done.

Ms. Naylor: I'd like to invite the member for St. Boniface (Mr. Lamont) to share a little bit more detail about what we heard at the committee stage for this bill last session.

Mr. Lamont: I thank the member. I think—when I think about the most—the toughest ones I—we heard, because it was all very, very powerful, was really that being silenced in itself is also traumatic. Is that signing NDAs and—it has meant that people can never get the healing they need, they can never get—they're never able to speak up, they're never able to—and they're never be able to get resolution. And so it is a matter of justice.

It was truly heartbreaking and—because we had five hours and 20 people speaking and every single story was different and every single story was heart-rending. If anyone has the time, it's five hours of YouTube, but if you read the Hansard testimony it's just as powerful.

Mr. Pedersen: So, this is provincial legislation and it's based on what other provinces are doing. Does the federal government also need to bring in similar legislation for—perhaps for their employees, federal civil servants, as an example, or federally regulated industries or employers?

Mr. Lamont: Yes, I absolutely agree it's long overdue. This is something that we've met with Senator McPhedran about. In fact, part of the reason why she was frustrated as an—I've called her an ultra-independent Senator—was because they were looking at reforms in the Senate and one of the first things they

said, well, we need more NDAs. And she said, well, that's completely unacceptable.

So we need this NDA reform to happen at the federal level, but, of course, it has to—there is certain areas where, even if it's done federally, we have to do it at the provincial level to make sure everyone is covered.

Madam Speaker: Are there any further questions?

Debate

Madam Speaker: If not, the floor is open for debate.

Hon. Kelvin Goertzen (Minister of Justice and Attorney General): I want to thank my friend and colleague from St. Boniface for again bringing forward this bill, similar but not exactly the same as the bill that he introduced last year.

And as a result of the private member's bill that he introduced last year, a few things happened. As has already been described this morning, the bill went to committee, where we heard extremely emotional and impactful, heartfelt testimony. One of the things—well, there's a few things that I learned. Certainly, we learned some of the negative impact that NDAs have had on individuals, including—which was a surprise to me—the inability for some individuals to actually get medical help and medical support as the result of an NDA. They weren't able to share their story to psychologists, as an example. And that might be a relatively narrow example, but it was an impactful example that I wasn't aware of.

I also didn't know, from a more technical perspective, that our—the privilege that we have as MLAs in the House extends to presenters at committee, which was a learning experience for me. But it also, of course, it allowed, then, individuals to speak about things without repercussion because of their NDAs. So, that was very both impactful and important to hear that. And the reason we called it to committee last year was to be able to ensure that those stories could be heard publicly.

We had asked the Manitoba Law Reform Commission by that time to take this matter on and they indicated to me that they couldn't remember the last time a minister of Justice had referred something to the Manitoba Law Reform Commission. They generally do their work based on what they believe their priorities should be, but I appreciate Grant Driedger, who's the chair of the Manitoba Law Reform Commission, agreeing to take this on as a priority. I think he saw the importance of it.

As a result of that, the Manitoba Law Reform Commission released a document, a consultation document in December of last year, so just a few months ago. They held an online hearing regarding that document to provide context and explanation around it for those who wanted to provide information to the Manitoba Law Reform Commission. They held that in January. And to answer the question from my friend from Springfield, my understanding is that their report is due in weeks—not months, but in weeks.

So, relatively shortly, we will hear from the Manitoba Law Reform Commission. And I think that's important and I know the member for St. Boniface (Mr. Lamont) indicated that we don't have to wait for that, that we can sort of just go ahead without that.

I personally think that that would be a disservice to those who presented at committee, which will form part of an evidentiary basis for the Manitoba Law Reform Commission. It would be a disservice of those who used the consultation document to provide advice to the Manitoba Law Reform Commission. And it would be a disservice to the commission itself, which is doing all of this work and is going to produce a report in just a few weeks.

I understand. Having said that, this is debate on second reading. And second reading is the principle of the bill. Second reading is the principle of the legislation. Third reading is details of the legislation. On principle, we believe this should be reviewed. On principle, we think that this needs to be looked at. It's the reason that I, in my role as Attorney General, as the Minister of Justice, referred this to the Manitoba Law Reform Commission.

It's the reason why we're doing—or why they are doing the review. So I have no concern about passing this bill at second reading because in principle, we agree that this matter needs to be reviewed and it is being reviewed. And I look forward to the Manitoba Law Reform Commission's report in a few weeks, which will take all of that evidence that they heard, both at committee, and from others who participated in the consultation process over the last few months, and then we can bring forward legislation that encapsulates all of that consultation.

But in conclusion, I want to thank the member for St. Boniface. I know he's passionate about this issue. There's many times in this Legislature where independent or private members have brought forward bills that have passed—you did, as well, Madam Speaker,

when you were in opposition—and were able to impact change.

And it's because individual members have taken things in a passionate way and been able to bring about change for the benefit of Manitobans, and I suspect that there'll be some changes on this in the future, and I commend the member for St. Boniface (Mr. Lamont) for bringing this forward and taking this issue on.

Ms. Lisa Naylor (Wolseley): I'm happy to stand today and put a few words on the record. I've previously debated on this bill the first time that it was called, and I had the opportunity to attend the committee and say some words at that time.

So, I won't take my whole time today, but I will say that non-disclosure agreements were first used in the 1980s to prevent employees from taking trade secrets from one business to another, but since then they've become incredibly common across North America.

And there's standard conditions of settlements in cases ranging from workplace terminations, product liability and sexual abuse or harassment allegations. Even sometimes in racial or gender discrimination cases. And I, you know, one of the things that I noted at conclusion of committee, what I've been very aware of for years because I was in a workplace in the '80s when we first started to develop sexual harassment policies. And then the next workplace I went to, we developed the first sexual harassment policy.

And all of this was born out of the '80s era of people starting to talk about these things, Anita Hill being the leader for women across North America to talk publicly about these issues in the workplace. And it's very clear to me that as women have become—and other groups that have been targeted such as non-binary, transgender, racialized individuals—as people become more outspoken about their rights in the workplace, and as people have stood up to harassment and violence in the workplace, that NDAs have just proliferated across, you know, from companies and businesses from all kinds of places.

And so, it is very important that these things get reviewed and discussed. And I know that this is the second time that the member from St. Boniface has brought forward this bill, and I believe that he is genuinely passionate about this issue.

But I also want to say that the member bringing forward this bill does have a history of making employees sign agreements that they later regret, and

it must be said that in July 2018, the Manitoba Human Right Commission dismissed a complaint from a former political staffer, Elizabeth Gonsalves, who said that she lost her job and was discriminated against because of mental illness.

* (10:30)

Ms. Gonsalves received severance and signed an agreement not to pursue the Legislative Assembly for anything further when she was let go in October 2017. And the complaint was dismissed because of that agreement.

But in response, Gonsalves said she was disappointed by the outcome. She said she agreed to release the Legislative Assembly from any complaints because she believed her employer was the Manitoba Liberal Party, not the Legislature.

The quote from CityNews, July 25th, 2022, said: I feel very disheartened by the process and the outcome. Ms. Gonsalves said she was on medical leave for post-partum depression when she was fired by the member for St. Boniface shortly after he became leader of the party.

An employee should never be punished for being on medical leave, or pushed into an agreement they don't fully understand. And this member must address these concerns in the spirit of the transparency that he's calling for today.

I want to say that I do agree, that I think it's important that we wait for the report from the Manitoba Law Reform Commission. That was an outcome of the committee, and I think that's an important step for us to move forward with this kind of legislation.

Some aspects of this bill are already codified in case law, as people cannot be forced into a legal agreement, and Canadian courts have usually determined that to be enforceable. NDAs must meet the requirements of reasonableness and legitimate business interests, including limits with respect to time and 'specificity'—'specificity'.

However, the absence of a time limitation has been held to be enforceable. If language is too broad, unreasonable or onerous, it can void an agreement. And courts will also challenge or invalidate agreements that are overly expansive, oppressive or try to cover non-confidential information.

Many employees are unaware of what their rights are when it comes to their NDA, and despite the options available to them, the language in their agreement makes them feel limited. NDAs are most

commonly given when an employee is hired, fired or finalizing a settlement; and when presented with an NDA, individuals have the right to request additional time before signing, although many people don't know this.

That really stood out to me at the committee, as well, is hearing how many people didn't necessarily understand the NDA at the time of signing. And also recognizing that often folks were in a time of great distress or trauma at the time of making that decision.

The other thing that stood out to me is that I believe that some of the people speaking at committee were actually speaking about confidentiality agreements, not NDAs, something that might not be binding in the same way. I did question a few people on what—if they had actually signed an NDA, and their understanding of their own experience. And it was disheartening to realize how little information a lot of people have about this whole process, and I certainly have learned a lot from participating in that committee and the reading that I'd done before and since this bill was introduced.

But, you know, many employees, including many—our employees sign confidentiality agreements at the onset of being hired, and those are, you know, to protect information. And, you know, they're not intended to harm the people who are doing the job. But if people have left a job and been threatened with their confidentiality agreement over something that they've reported or talked about, then that's a problem.

We need to be addressing that, and I think this also speaks to citizens needing a greater understanding of the role of confidentiality agreements in the workplace, and the role of NDAs in the workplace, and what their legal rights are in regards to that and their legal protections.

So I hope that that is a fuller, broader conversation that we can have about this going forward. I think that that's probably all I do need to say on this today, as I imagine that this won't be the last time that we have the opportunity to talk about this topic.

Thank you, Madam Speaker.

Madam Speaker: Are there any—the honourable member for River Heights.

Hon. Jon Gerrard (River Heights): Just a few words here. I think—first of all, I would like to say that it is urgent, it is important we move on this as quickly as

we can. It is having an impact every day, every month that there's a delay.

I am hopeful that we can get it to committee stage, that at the time of committee stage, we will have the report from the Law Reform Commission and that hopefully it will align to at least a fair extent, hopefully completely, with this legislation and if it is a little bit different, we can make amendments.

But we have a piece of legislation which there has been already a lot of work put into, a piece of legislation which has—now the Canadian Bar Association has come out in support of this approach. And there is clearly, from the words that we heard at the committee stage, from people who presented, there is clearly a need for this legislation and a change to how NDAs are used. The use of NDAs to cover up abuse, to cover up misbehaviour, to cover up criminal behaviour, in some instances, is not appropriate.

We are at a time in Manitoba where we have a too high rate of sexual assaults in this province, a higher rate than most other provinces, and we need to do something about it. And I believe that this is an important step, because so long as people see that they can use NDAs to buy off people and to cover up sexual assaults, then they will continue and people will have—feel free to use sexual assaults as we have seen too often in the past.

It is time to stand up for women in particular—not that sexual 'accaults' can't be the other way around on occasion. But it is important we stand up and we say we're going to do something about sexual assaults.

We're going to act to send a message to Manitobans that we as legislators care about the high rate of sexual assaults and that we're going to do something to send a message that this needs to stop in Manitoba. We don't want cover-ups, as we've had in the past, and cover-ups which went on, in the case of Peter Nygård, for many years. We want a new way of looking at things.

We want this NDA bill to go forward to committee. We need it to have one more hearing to have the input from the Law Reform Commission and then we can make that informed decision. And I hope that informed decision will be to pass this unanimously into law and end the abuse that's gone on and the sexual assaults that have been sometimes given free rein under the use of NDAs in the past.

Thank you, Madam Speaker, merci, miigwech.

Madam Speaker: Are there any further members wishing to debate this?

Is the House ready for the question then?

Some Honourable Members: Question.

Madam Speaker: The question before the House is second reading of Bill 215, The Non-Disclosure Agreements Act.

Is it the pleasure of the House to adopt the motion? Agreed? [*Agreed*]

Hon. Kelvin Goertzen (Government House Leader): Is it the will of the House to call it 11 a.m.?

Madam Speaker: Is it the will of the House to call it 11 a.m.? [*Agreed*]

It has been agreed that it is now 11 a.m.

RESOLUTIONS

Res. 11—Calling on the Provincial Government to Recognize the Valuable Role that Foster Parents play in Manitoba Communities

Madam Speaker: And it is time for private members' resolutions.

The resolution before us this morning is the resolution on Calling on the Provincial Government to Recognize the Valuable Role that Foster Parents play in Manitoba Communities.

* (10:40)

Ms. Cindy Lamoureux (Tyndall Park): I move, seconded by the member for River Heights (Mr. Gerrard),

WHEREAS even though work must continue to ensure that biological families are not unnecessarily separated, it is important to recognize that foster parents play a very important role in our communities; and

WHEREAS children in care often face many challenges but it is important to understand that all children should feel safe, live in a caring environment and feel loved; and

WHEREAS it is in the best interests of the child no matter their age, circumstances, and needs, that they live in a home environment where they are most likely to have the type of care, love, and support that all children deserve; and

WHEREAS cross-cultural exchanges are often an important part of raising a child, and foster parents often learn about reconciliation and important

cultural considerations which are essential to the process of raising a child; and

WHEREAS foster parents open their lives for 24 hours a day, seven (7) days a week in hopes of contributing to the wellbeing of a child whether it be for a short or a long period of time; and

WHEREAS the emotional and enduring connection between a child and a foster parent lasts a lifetime, and often is reflective and like that of a biological parent and child relationship.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba recognize the incredible contributions and sacrifices that foster parents have made and continue to make every day and urge that the Minister of Families consult for an appropriate day of the year that can be recognized as foster parents' day.

Thank you.

Motion presented.

Ms. Lamoureux: I want to begin by just addressing we're going to have some guests be joining us here in the gallery. We've been cruising through legislation this morning and my guests are actually in the hallway right now and they're going to be joining us up in the gallery. So I want to thank them for taking time out of their days to be with us here this morning.

Some of the foster parents who have been—who are going to be joining us have actually been fostering for over 17 years. And I'm excited to share a little bit about their stories this morning.

So, I'm excited to introduce this resolution. It recognizes the incredible contributions and sacrifices that foster parents have made and continue to make. And it asks that this government look at designating a day of appreciation for them.

A little bit of background on the resolution, Madam Speaker. It actually stems from a conversation that I had with my Ate Myrna Ong, who's going to be joining us. She's a foster parent herself. We were at a birthday party at the Marlborough Hotel and it was herself, her son Paul Ong, myself and my father. And she was telling us about her experience as a foster parent. And we were talking a lot about education in particular. And it's through this conversation with her that I started to feel very inspired and noticed how we don't often talk about foster parents here in the Chamber. And it is an important conversation that we be having, Madam Speaker.

So, from this conversation with my Ate Myrna, my father and I, we decided to put together our Queen Jubilee pins. Now, all MLAs and all members of Parliament were provided with some of these pins to share with their constituents how they felt they should be shared. So when we combined ours, we called upon foster parents. We decided to do something to recognize the work that they have been contributing to our province and to so many children, Madam Speaker. And so, we met with them in some of their homes. Some of them came and joined us at the McDonald's that we go to every Saturday. And we even had a small ceremony at my constituency office for them and—where we gave them the pin, as well as a certificate just acknowledging the hard work that they do.

So, the resolution itself, it starts by sharing that the No. 1 priority is to never unnecessarily separate families. And we, being us as politicians, Manitoba judges, CFS, I believe we all have a role to play in this. We all have to make sure that we're doing everything in our power to keep families together. And this includes empowering parents, Madam Speaker.

The resolution speaks to how foster parents, children and families often have cross-cultural exchanges. And it's upon the foster parents to learn about reconciliation and important cultural considerations. I was speaking with members of the Kinship & Foster Family Network of Manitoba, some who will be joining us very shortly here in the galleries, Madam Speaker. And they said, and I quote, kinship and foster parents are very often undervalued for the complex work they do every day. They are important and active participants in reconciliation. I know I plan to continue to work with Kinship & Foster Family Network on more legislation going forward.

The resolution continues to talk about how children should always feel safe and live in caring environments. And how realistically, there are many challenges faced and sacrifices made by foster parents. And allow for me to share a couple.

It is not easy to become a foster parent here in the province of Manitoba; anywhere in Canada, Madam Speaker. There are social workers involved, background checks, interviews and ongoing training. And this is not just step one to become foster parents; this is throughout the entire fostering process. So, imagine those foster parents here in Manitoba who have been fostering for 17-plus years.

And I know there are some who have been fostering for over 30 years, Madam Speaker. They

have ongoing visits with social workers; they have ongoing training; they are constantly learning and adapting to make sure that they are contributing to the lives of these children and doing everything they can to keep families together.

It's a full-time commitment. I like using the term that to be a foster parent it truly is a lifestyle. It's not a 9-to-5 job where you clock in in the morning and you clock out after work at 5 o'clock. It truly is a lifestyle. And my theory is this is why it often goes unnoticed. Why sometimes we forget to acknowledge our foster parents is because it becomes such a natural part of their lifestyle. And it's why we're here today, to provide that recognition, to provide an opportunity for all members of the House to share some of their thoughts and pay tribute to our foster parents.

Madam Speaker, Foster parents are changing the worlds of thousands of children presently. According to page 104 of the '21-22 Manitoba Families report, which I table right now, Madam Speaker, as of March 31st, 2022, there were 9,196 children in care. And I know there are members of this House—my colleague from Dawson Trail, who I hope speaks to this legislation, he is a foster parent himself. We all know foster parents within the province of Manitoba, it's not just the city of Winnipeg. And they continue to open up their hearts and their homes, and this is why we're here today, to honour them and to recognize them for all of their work over the years.

Now, I am going to wrap up my remarks fairly soon because I want to make sure that all members have the opportunity to speak if they wish and that we have time to pass this resolution this morning. But I want to be clear: this is just the beginning. This resolution is a starting point, Madam Speaker. We need to be talking about basic maintenance, increased budgets for food and clothing, we need to talk about the issue of people aging out of care and ensuring that there is safe and affordable housing for individuals. We need to talk about the rules around respite funding within care and how every level of government, whether it be the federal government, provincial government or municipal, they all have a role to play in this.

Mr. Andrew Micklefield, Deputy Speaker, in the Chair

But for today, we are here to formally recognize the astounding work and countless sacrifices made by our foster parents and to ask and encourage this government to designate, at minimum, a day—but this could be a week or a month, but at minimum, a day of appreciation for our foster parents. I hope to have the

resolution passed unanimously with both the support of the government and the official opposition.

Thank you, Mr. Deputy Speaker.

Questions

Mr. Deputy Speaker: Okay, order please.

A question period of up to 10 minutes will be held and questions can be addressed in the following sequence: the first may be asked by a member from another party; any subsequent questions must follow a rotation between parties; each independent member may ask one question. And no question or answer shall exceed 45 seconds.

The floor is open for questions.

Mr. Len Isleifson (Brandon East): I welcome the guests to the gallery today and I thank the member from Tyndall Park for bringing this excellent resolution forward.

And I know in her preamble she talked briefly about the inspiration at a birthday party that brought this forward. And I know it's only 45 seconds, but I'd like the member to maybe, if she has other inspirations for this resolution, she might want to explain that to the House as well.

* (10:50)

Ms. Cindy Lamoureux (Tyndall Park): I'd like to thank the member from Brandon East for the really good question, and it also allows me to have another opportunity to speak, as some of my guests join us here today in the gallery.

The inspiration actually stemmed from a conversation that I had with my Ate Myrna Ong, who has joined us up in the gallery. She was sharing with myself and a few others at a birthday party at the Marlborough, just about the incredible work that foster parents do and how she in particular was having to navigate a lot around education.

And this is what first put the topic of foster parents on my radar, and from there, I've had the opportunity to meet with, I'm going to argue, hundreds of foster parents throughout the province of Manitoba. And I've had the opportunity to learn stories from them, and the biggest takeaway—

Mr. Deputy Speaker: The member's time has expired.

MLA Malaya Marcelino (Notre Dame): The number of Filipino foster families in Manitoba is on the rise, and one of the service providers that I spoke

to said that, just in the period of 15 years, we went from about eight foster-Filipino foster families in 2003 to 200 Filipino foster families in 2018.

And I'd like to thank these long-time foster parents, who have been recognized for their commitment to Indigenous reconciliation and for their commitment to care for children. I'd like to ask the member if she could speak on the value of having a foster parents' day in Manitoba.

Ms. Lamoureux: I'd like to thank the member for Notre Dame for her remarks and her question. She is right: the Filipino population here in Manitoba, they have been growing rapidly at—with respect to fostering themselves, Mr. Deputy Speaker. They have such a way about them for opening up their hearts and opening up their homes and wanting to give back to the community.

That's why we're so grateful to all foster parents here in the province of Manitoba, and I hope to continue to learn more from the foster parents. And I'm going to ask if my colleague can repeat her question as well.

Thank you.

Mr. Ian Wishart (Portage la Prairie): I thank the member for introducing this resolution. She mentioned very briefly that she had consulted with a number of different individuals. I'd like to give her an opportunity to expand upon that.

Ms. Lamoureux: I'd like to thank my colleague for his question. A lot of consultation went into this resolution, and I think the bottom line, the most consultation that we did was with foster parents themselves. Again, we must have spoken with over 100 different foster parents from all over Manitoba, where they shared with us their personal experiences, their personal examples of what it's like to be a foster parent here in Manitoba.

And they spoke a lot to the needs that foster parents have, and there are a lot of needs that I've spoken about in my opening remarks. But again, just to reiterate, we need to talk about the basic maintenance: ensuring that there are funds available. We need to talk about the per diems and how they're being used, and we need to talk about how children are often aging out of care—

Mr. Deputy Speaker: The member's time has expired.

MLA Marcelino: Currently there are thousands of kids in care in the province of Manitoba, and the

Manitoba NDP are calling on the provincial government to provide more funding for the care of foster kids, to remove arbitrary cut-off dates for kids aging out of care, and for more supports for young people aging out of care. And most importantly, to sufficiently fund preventative services to keep families together in the first place.

Would the member please speak to how could the province better support foster parents and children?

Ms. Lamoureux: I'd like to thank my colleague from Notre Dame for the question. I think there are a lot of ways the province could better support foster parents. And I don't think it's only the province; I also think it's the federal government and city government.

But bottom line is, we need to be enabling and creating more resources. Foster parents have had the same resources. They have not gone up in funding. With everything else going on in society, with the cost of living going up, with the cost of groceries going up, they have had no increase. We need to be having discussions such as those to ensure that families are able to keep up with all the increases that we're facing here in Manitoba.

But I want to also remind the member that we're here to celebrate our foster parents with the foster parents who have joined us here today. I'm hoping that we'll all have the opportunity to just thank them—

Mr. Deputy Speaker: The member's time has expired.

Mr. Isleifson: I know in my family we have a number of—my family and my wife's family—who are foster parents, so I totally understand where this resolution is coming from. But I'd like to ask the member from Tyndall Park if she could highlight any Manitobans who have played a vital role in being a foster parent.

Ms. Lamoureux: I'm weary to go down a road of pinpointing specific people because then it's inevitable I'm going to leave some people out. But I'm going to make the argument that those who have joined us today in the gallery are all playing a pivotal role right now, here in the province of Manitoba.

The work that you are doing in the fostering process—I know you face a lot of barriers, but you are doing such incredible work in the lives of so many children and I just want to thank you directly for that.

MLA Marcelino: I'd just like the member to perhaps speak a little bit more about consultations that she underwent in preparation for this private members' resolution.

For instance, were you able—was the member able to speak to any children or young people that have aged out of foster care or any consultations with Indigenous communities?

Ms. Lamoureux: That's a great question, and it actually provides me the opportunity to speak a little bit about the small ceremony that my father and I actually hosted for foster parents at my constituency office. Because we had foster parents come into the office, often with their foster children, some who were no longer their foster children.

And it speaks to the stories of how these are long-lasting relationships and foster children, who were often adults in this case, were sharing with us how years later, after being with the foster parents, they're still coming back for the holidays. They like to come and spend Thanksgiving, for example, with the families, and some of the parents—or, foster children who have aged out also spoke to the sibling relationships that they have grown and they have gone on to be lifelong friendships.

Mr. Deputy Speaker: The member's time has expired.

Mr. Wishart: I'd like to ask the member how she thinks we can encourage more people to become foster parents.

I think we all only have to think back to 2014–'13 and '14 when we had a shortage of foster parents and the government of the day used hotels to look after kids and the fiasco and the disaster that that led to.

So we certainly need to make sure that we have enough foster parents now and moving forward.

Ms. Lamoureux: That's a really good question that is something that all of us as MLAs I think have a role to play. We should be finding more ways to provide whether it's incentive or reason to become foster parents.

But we also need to bring it back to the most important point, and I think this has to be key priority: we need to keep children with their biological families. This has to be the No. 1 priority. We need to focus on that. We need to focus on empowering parents so families can stay together and just continue to support the foster parents that we have, with the end goal that we ultimately don't need to have children in care because everyone is with their biological families.

Thank you.

Mr. Deputy Speaker: The honourable member—I must just comment to the gallery—if we can just pause the clocks for a second, please.

The rules do specify that there is to be no participation from the gallery. We're so grateful you're here, but if you could refrain from clapping, that is a rule of this House. So, thanks for your co-operation with that.

We can resume the clocks, and the member for Notre Dame (MLA Marcelino) has the floor.

MLA Marcelino: I'd just like to take this opportunity to lift up an inspiring set of foster parents that I know: Noralyn and David Pua, who have been designated as volunteer foster parents by the Southeast Child & Family Services, who together have cared for 55 sets of siblings over 20 years, in addition to their three children.

And I'd just like to go back to the question and I'd like to ask the member why she has chosen to put this forward as a PMR rather than a bill that would implement foster parents' day.

Ms. Lamoureux: I'm happy to address the question. The reason I chose to bring it forward as a resolution is because I believe it should be something we are celebrating. We are here to celebrate our foster parents and show them that they have done so much work and it needs to be acknowledged. And this was an opportunity to do so over the next couple of months. And it also allows for the opportunity for all members to rise and speak to the resolution.

* (11:00)

And it allows for me to continue to work with the government about new legislation when it comes to actually the basic maintenance, when it comes to ensuring that those who are aging out of care have the supports in place. There is a process in introducing legislation that is proven to be best successful, and I believe this was the first step towards that.

Thank you.

Mr. Deputy Speaker: The time for questions has expired.

Debate

Mr. Deputy Speaker: The floor is open for debate.

MLA Nahanni Fontaine (St. Johns): I'm pleased to put a couple of words on the record this morning. You know, as most folks, certainly in the Chamber and certainly in our province and certainly across the

country know or should know, we currently find ourselves in this era of reconciliation, in an era of reconciliation that seeks to understand the inherent trauma and damage and harms of colonial Canada.

We understand and we should be on the path to rectifying those harms and those intergenerational effects and legacy of the residential school era. And one of the things about, you know, colonization in its totality is that it is a historical continuum. By that I mean our territories were colonized by explorers and settlers. Indigenous people were forced to assimilate and to assimilate in a variety of different ways. The colonial state established and created the residential school system; simultaneously, afterwards, created the child-welfare system.

And so the child-welfare system is an extension of that colonial history that we still operate within, and we still deal with the consequences of, this very second. We had '60s scoop and again, child welfare.

And as most people in this Chamber should know, in fact, when you look at the child-welfare system from coast to coast to coast, there are more children—and in particular, quite obviously, more Indigenous children—in the child-welfare system now than at the height of residential schools.

And that is born out of the way that Indigenous parenting is understood. It is born out of the systemic racism and systemic gaps for Indigenous peoples, i.e., housing, food insecurity, endemic levels of poverty, isolation and I can go on and on.

And so this—the Child and Family Services is predicated upon that colonial history. It is predicated upon the continued oppression of Indigenous peoples in our own territories. And like residential schools, which understood that if you take children from their parents, if you take children from their grandparents, if you take children from their communities, it is the surest way to destroy a people. The '60s scoop understood that as well.

And so we have Indigenous children that were stolen from their families and shipped all over North America. And so we have Indigenous children, to this very moment, that are taken from their families because of all of those systemic issues that I listed.

Instead of supporting Indigenous families, instead of supporting Indigenous parents or Indigenous mothers with the supports that they need and that they rightly deserve. Parents and more specifically, Indigenous women are penalized for those oppressions. And penalized in the way of taking our children

away from us. And as was done in the residential schools and as is currently done, that is the quickest way to destroy a people.

Our children deserve to be with their parents. Our children deserve to be with their mothers. Our children deserve to be with their grandparents, growing up with their cousins and their aunts and their uncles. They deserve to grow up in their communities. And they deserve to grow up with all of the opportunities that most children are afforded here in Canada. And, unfortunately, that's not the case.

And so, ultimately, what an air of reconciliation demands is a decolonizing approach to child welfare. A decolonizing approach that seeks to dismantle and undo the effects of colonization. A decolonizing approach that centres the voices, experiences and expertise of Indigenous peoples, of Indigenous mothers, of Indigenous parents, of Indigenous grandparents. A decolonizing approach that centres Indigenous women and Indigenous mothers because so much of colonization has been borne off on the bodies of Indigenous women and mothers. Mothers who had their children ripped from their very arms and shipped off to unknown places to never be seen again in some cases.

And still, to this day, there's an Indigenous mother out in BC, Sonja Hathaway, whose little baby daughter, Amella was born on March 11th, 2023, and whose baby was just stolen from her on April 17th, 2023. Taken from the NICU at the Victoria hospital in Vancouver. This still occurs. That was only a couple of days ago. And so here is this mother appealing to Indigenous peoples and to allies across the country to help get her daughter back.

We cannot talk about reconciliation and continue to take Indigenous children away. We cannot talk about reconciliation and still maintain a status quo in which Indigenous parents and Indigenous mothers are penalized because of the systemic 'racism' and gaps in the services. Those two don't—they're—they don't go together. You can't talk about reconciliation.

And so at the end of the day, the most important thing that matters is the needs of children. And I will share with the House that when I was five or six, I was in CFS care. I was in CFS care for about six months. And I was very lucky to be in a house with a very good woman, a very nice, young woman. Her name was Lee. I've never forgotten her. She was very kind to me.

And despite all the abuse that I went through, from my mother, and being left on the streets of

Vancouver and having to go to court, ultimately, myself, like every child that is in CFS care, wants to be with their parent. They want to be with their parents. They want to be with their family. They want to be with their community. And I say that from experience. And so ultimately, on this path to reconciliation, we must work to ensure that we have a system that keeps families together, that reunites children with their parents, with their mothers.

* (11:10)

Because if we do not, the only thing that we are ensuring is the continued destruction of our people, the continued destruction of Indigenous women, the continued destruction of Indigenous parents, the continued destruction of Indigenous communities. Reconciliation demands that we centre our children, as Indigenous people have always, for generations and generations.

Miigwech.

Mr. Bob Lagassé (Dawson Trail): Mr. Deputy Speaker, it gives me great pleasure to speak in support of my friend, the member for Tyndall Park (Ms. Lamoureux) and the resolution recognizing the importance of foster parents.

As most of you know, my wife and I have opened our home for the past 14 years to children who are displaced by no fault of their own. We have offered a safe place for them to grow, be loved unconditionally and, if possible, to reconnect with family.

Being a foster parent is not easy. You commit to walk and experience the traumas of children who are placed in our home and care. You commit to love and care for kids who are experiencing fear and displacement from their natural families. I have had multiple conversations with people who talk about how they could not foster and how foster parents are awesome for what they do. I normally respond, when this comes my way, that my wife and I are simply doing what we are called to do: love and care for others, to care for the less fortunate and the vulnerable. This means accepting traumatized children where they are and working with them with the hopes that they will feel loved and that love will translate to the child's future success.

I've shared in the past how each child impacts your life and how you impact theirs. This impact on your life can translate to profound loss when the child leaves your home. When a child leaves my home, it's like a death for me. I always, when circumstances

allow, would like to maintain contact, but this doesn't always occur.

To the foster parents, kinship homes out there, thank you for opening your hearts and your home. The role you play in a child's life is incredibly important.

I'm reminded of a few quotes on fostering I have heard and read and I would like to share them with the House, as they are meaningful to me: If you can help a child, you don't have to spend years repairing an adult, Joyce Meyer.

One hundred years from now, it will not matter what kind of car I drove, what kind of house I lived in, how much money was in my bank account, nor what my clothes looked like, but the world may be a better place because I was important in the life of a child. That's an excerpt from *Within My Power* by Forest Witcraft.

And I leave you with a description of fostering that I relate to by Maralee Bradley, found on the following website: *Her View From Home*. Maralee writes: If foster care is hard, you're probably doing it right. If you're doing foster care right, it may be the hardest thing you'll ever do.

You will witness behaviours that are startling and break your heart, as you realize they used to serve a purpose in the life of this child. You'll see physical wounds that are painful just to look at. Sorry—you'll read court reports that frighten you. You'll spend your days and minutes and hours doing a thousand things to build trust but the one time you respond in harshness, you're back to square one. You will be up at night with a child who has nightmares, then be chastised by her mother for not having her dressed in the clothes mom prefers for the visit that day.

There are days it will feel like you're beating your head against the wall and you'll wonder why you ever willingly signed up for this. And that's usually the day someone will make an off-hand comment about how foster parents are all in it for the money. And you'll have to do your best not to cry, because you know they aren't paying you well enough to make it worth the pain.

If you're looking for some kind of ministry opportunity where you can put a minimum of effort and receive the maximum praise, this isn't the thing for you. If you're not willing to do something hard, don't bother. But if you jump into this world and in those dark moments find yourself asking: Is it supposed to be this hard? Just know that there are many other foster parents with you, standing beside you saying,

yes, it is. Because you're doing it right. We know the cost of doing foster care well and we validate the pain you're experiencing and promising it isn't in vain.

Foster kids need you to be all in for them. They need you to be willing to take on the hard so they can have a chance at healing, at normalcy.

Struggling through the pain of foster care is not a sign that you're doing it wrong or that you shouldn't be doing it at all. It's a sign that this child needs you and you're fighting to be sure that their needs are met. And the struggles of foster care aren't the whole story, because the challenges are so intense, the pain is so deep; the joy is intense, too.

There are moments of stunning beauty. The child who finally comes to you when they're scared instead of hiding; the teenager who tells you how they'd protect you from any harm; the baby that learns to calm when you sing to them; the little girl who proudly brings you her school project; the little boy who shyly hands you his dandelion; reunification with a mother who worked so hard; adoptions by families who loved their children from the start.

In foster care you learn not just to seek joy and happy endings, because they are exceptions rather than the rule. You learn to find joy in the process. You seize these fleeting moments of peace, because you know what a gift they are.

You become a different person than you ever thought you could be as your heart stretches to love, not just the helpless child in front of you, but the family that gave him life and is struggling to reclaim their own. Even in the brokenness of the system and the frustrations of the foster-care process become opportunities to find your voice as an advocate and fight for this child and many other children stuck in legal limbo as wards of the state.

Could foster care be easy? Sure, if we weren't so invested, if we didn't love so hard, fight so strongly, so deeply, if we were just collecting a monthly reimbursement and walling ourselves off from these kids and their struggles. There's a way to do foster care more easily, but it—that involves these kids being denied the real chance at normalcy, stability and love.

I know those kinds of foster homes exist and it breaks my heart. Easy isn't my goal. Even in the very hardest days of foster care, foster care is the right thing to do. It isn't right because the results go the way we want or we always feel appreciated, loved for our sacrifices, or because this child and their family become functioning and healthy.

Foster care is often hard, because this work is messy. And getting involved means you're going to get messy too. But that's exactly how it's supposed to be. It's supposed to be this hard, and we're supposed to keep at it because these kids are worth it.

My heartfelt thank you to foster parents and kinship homes, also to my friend for Tyndall Park for bringing this forward today.

Mr. Deputy Speaker: A couple of comments before we proceed. To the member for Dawson Trail (Mr. Lagassé), if you could—I know you've just spoken. If you're speaking again, and to any other members who are virtual or plan to be virtual, you do need to wear one of the Leg. Assembly headsets or a headset that is not going to be muffled.

I'd say to the member from Dawson Trail, it was a little muffled. We could hear you but it was not as good as one of the other headsets.

Also—and I just need to clarify something about the order as well. I did not see the member from Dawson Trail because they're on the screen. So, technically that member should have been first, not the member for St. Johns (MLA Fontaine). So, the order got a little bit mixed up.

* (11:20)

What I'm going to do is keep the rotating order. I'm going to recognize the member for Notre Dame for 10 minutes, and then the member for Brandon East (Mr. Isleifson) for—will have 10 minutes.

So, I apologize if that caused any confusion, and I think though, in the end, this will all work out just fine.

So, the member for Notre Dame does have the floor.

MLA Malaya Marcelino (Notre Dame): The resolution that we have forward today is a very sensitive topic. On the one hand, we have foster parents here, and I personally know of so many foster parents that—and the member for Dawson Trail spoke very eloquently on his and his wife's experiences as this.

And I know and I see the important work that you do, the sacrifices that you go through and how much you care for those children. It's very, very clear to see this. And on the other hand, if we take a look at the comments made by the member for St. Johns, the very, very brave comments that she made, even speaking about her own experiences as a child, we have to know and understand that this current child

and family services system is predicated upon the visceral pain of mothers and of Indigenous communities.

But I do believe that we can get to the shared goal together, because both Indigenous communities—and obviously Indigenous parents—and our foster parents want the same thing. And that is for the best interests of that child that we love.

This resolution has a good start, because we need to acknowledge the role that foster parents play, that they're doing. And we also need to acknowledge how much more resources that need to be put into this system to properly care for these children.

But I do believe that there is some more consultation that needs to happen, especially with Indigenous communities, before we could even approximate something close to a celebration. Because, as parents know, and as foster parents know, while we do have these joys, there is a lot of sadness and a lot of trauma that these children are experiencing and that the families that they've left are also experiencing.

So I trust that the member for Tyndall Park (Ms. Lamoureux) will take on that work. Because she's coming from this from a right place.

At this point I'd like to also recognize some foster parents that I have been inspired to meet, because I heard about the type of work that they were doing.

From nannies to nurses, Filipinos have a reputation the world over as providers of care. In Winnipeg, an increasing number of Filipino families are continuing this tradition of care by opening their families and homes to Manitoba's foster children.

Noralyn Pua and Rhodora Cruz are both long-time foster moms who I have met, that have been recognized by their respective agencies, Southeast Child & Family Services and St. Amant, for the excellence in care that they consistently provide to their kids.

Both moms talked candidly to me about the work, joys and difficulties of being a foster mom. They discussed the complex relationships that have arisen with their wards' biological families, and they challenge the popular thinking that fostering is a money-making enterprise.

First I'd like to talk about Noralyn, or Mama Norr Pua. There's a reason why Noralyn Pua is called Mama Norr. She has cared for 55 sets of sibling in addition to her own three biological children. Alongside her husband David, the couple have been proud

foster parents for the past 20 years, providing a home for children ranging in age from infants to young adults who need emergency or short-term care until they can be reunified with their biological family.

Next I'd like to speak about Rhodora Cruz, a pioneering Filipino foster mom. Thirty-three years ago, when Rhodora Cruz and her husband Arthur first became foster parents, they did not know of any other Filipino foster parents in Winnipeg. Since then, the Cruzes have provided permanent care to 47 children, raising each child until they reach the age of majority. And currently, Rhodora is unable to care for her foster kids, as she is recuperating from heart surgery, but she hopes to do so once again in the future.

Rhodora explained to me, there's no difference between raising my children and foster children. No difference, she said. Every day, we are a normal family getting ready for school, preparing school lunches, driving them to their schools. My role is to nourish, to care, to protect them from harm, any physical, emotional or mental injury.

Mama Norr also echoed the need to treat each foster child as a family member. She said, my biological kids treat them like brother and sister. They need to feel welcome. They only need love, not labelled as foster kids. According to Mama Norr, foster mom duties include attending training sessions, taking kids out to activities and submitting paperwork, including daily entries in log journals and financial reports. But there is often extra work involved in caring for children who might have special needs due to emotional or developmental challenges such as ADD, FASD or autism.

Rhodora described to me that there's a lot of driving, lots of appointments, doctors, dentists, assessments, speech therapy, specialists. It really depends on the needs of the kids.

And both foster moms concurred that fostering can only be possible with the support and understanding and the help of their husbands and children. Both Rhodora and Mama Norr agree that transitions, or when kids first come, and again, when it's time for kids to leave, are the toughest part of foster parenting.

Mama Norr related how incoming foster kids might be going through various emotions and are wary of a new family situation, and that kids alternately act out or retreat inside themselves or even refuse to eat. Mama Norr approaches this type of transition scenario by making friends with the kids. She recommends at this point it's up to the foster

parent to adjust by giving them the space and time to speak about issues because eventually the kids will open up.

Rhodora noted that the transitions can sometimes take months before there is trust, and stresses the importance of making children feel that they really belong. On the other hand, once it's time to say goodbye, Rhodora readily admitted that as a permanent care provider, it can be especially difficult to overcome the attachments to a child that you've parented for several years or more.

But along with what they say is lots of patience and compassion, both women explained that they also need to establish rules in the house and show toughness just like being a regular mom. Mama Norr explained that if the kid's behaviour becomes unmanageable, she calls in the social worker for further guidance.

In Manitoba, 90 per cent of children in care are Indigenous. And both Mama Norr and Rhodora regularly interact with children's families. They attend extended family parties, community powwows and sweetgrass ceremonies. These foster moms also provide children with familiar foods like bannock and plenty of fish. And they both noted that there are a lot of similarities between Indigenous and Filipino diets.

Rhodora described that there is a marked difference in attitude and approach towards Indigenous family reunification and respect for Indigenous culture now, compared to almost 30 years ago when she first began as a foster parent.

Agency staff used to introduce Cruz to foster kids as their, quote, new mom, whereas now, Mama Norr explains that even when the little ones want to call her mom, she has to gently tell them to call her auntie instead.

Mama Norr says that during the difficult transition period when she accompanies foster kids to see parents, their Indigenous parents, their real biological parents, the relations can be strained with parents who are suspicious and resentful towards her. But in most cases, she strives to improve those relationship between foster parents and biological parents, even to the point of true friendship.

Rhodora added that foster moms not only try to help the kids that they're helping, but also their families too, so that they can take care of the kids until their families can get past the distress. And Rhodora has had first-hand experience in providing to—has first-hand experience in knowing about providing

support to families in distress because she and Arthur first stepped up to take care of their own nieces and nephews during a very, very difficult time in those children's lives.

* (11:30)

Mama Norr has admitted that this work is utterly exhausting and that it's hard to explain to others—*bakit ka nagpapakahirap*—or work so tirelessly. But she says that fostering has meant self-fulfillment to her and she's watched her kids—her foster kids go on to graduate from high school and post-graduate studies. Many are professionals and some have good jobs as managers and hospital workers now.

So, those are some of the comments in the short time I have and I'd just like to thank the members of the gallery for joining us here today.

Mr. Len Isleifson (Brandon East): I'm only going to take a couple of minutes. I do want to ensure that this bill passes today in the House. So I give you my word, if I'm still talking at 25 to, everybody just yell at me: enough, grab a hook and sit down.

But I do want to acknowledge those in the gallery today and thank you for what you do. A lot of people, I would assume, and I know one—we should never assume, but I assume there's a number of folks out there that don't have a clear understanding of what foster parents do. Some are emergency fosters parents, some of them are longer term.

And I want to take the opportunity—and I mentioned in my preamble when I was asking questions about family members. And I know on my wife's side, Bill and Janine Frovich, from Winnipeg here, have been foster parents for a long time. And believe me, I have met some incredible kids, some incredible people, through them, that they have fostered.

I mean, I've been married to my wife now for 40 years and we'd dated for, I think it was three years or four years before that, so I've known them a long time and they have been foster parents that entire time.

And I do know that they started as an emergency foster parents and they even got to a point where—I'm sure some in our—in the gallery today, as well, go one step further and they have actually adopted a couple of the children that they were fostering.

Because my heart goes out to you. I can understand because I've been there, getting to know these kids, when they are foster children and you spend all that time and energy with them. You raise them as your own and then they move on. And that is

some of the hardest times. And my heart goes out for you when that happens, as our member from Dawson Trail mentioned. So again, I really want to give hats off to that.

My nephew, Dustin Isleifson, and his fiancée, Cherokee Ferland, they're doing emergency foster care just west of Brandon. And I see the joy on their face when, you know, at Christmas time, when they bring the little girl with them—and I'm not going to mention her name, because I'm not sure they want that public, but when they bring their little girl with them, with their son, it's like you don't have to say, can I belong to the family. She is part of the family.

And the care that they show to this little one—and I'm sure as everyone else does, they are part of the family. Even if it is emergency foster care, getting over that time, you know, it's—they're still part of the family.

And I just really want to say, on this side of the House, as I'm sure is throughout this entire House, we all believe that children—they have the inherent right to be safe, to be loved and raised in a loving household.

And we certainly want to ensure that continues. And I know even through the work of our Minister of Families (Ms. Squires), doing incredible work to make sure that happens.

And again, I want to thank the member from Tyndall Park to—bringing this forward. You know, it is certainly something that, you know, we understand that foster parents dedicate—it's not a 9-to-5 job.

It's a 24 hour, seven day a week—and I'm not even going to call it a job. I believe it's a labour of love. And you do what you do because not only do you care for society, you care for these children and you want to make sure that they have the best opportunities to live a fulfilling life. And again, I thank you for that.

So, again, I said I wanted to stop by 25 to; I've got 30 seconds and I don't want to be pulled down. So, I thank you very much for the opportunity to speak and once again, thank you for bringing this forward.

Hon. Jon Gerrard (River Heights): Thank you all for being here and thank you as foster parents for the role that you do.

I have two quick stories of the role that foster parents can play in this process of reconciliation. Both are stories from Indigenous friends, one who was raised as a foster child, but the parents kept in close contact with his biological parents and he told me that

his big advantage was that he had four parents when he was growing up. And he benefitted from all four of them.

The second is a story of a friend who, with his wife and partner, had two children. She, very sadly, committed suicide. He realized that he wasn't in a place to be able to look after both kids, at least at that point. They were put in foster care but he kept very close relations with the foster parents.

And steadily, over a period of 10 years, he has got a job, he is working. He has had more and more time and he now has full-time care of his two kids. And they are both doing really well. Foster parents can make a big difference.

Thank you.

Mr. Deputy Speaker: Are there any other speakers?

Is the House ready for the question?

Some Honourable Members: Question.

Mr. Deputy Speaker: Is it the pleasure of the House to adopt the resolution? *[Agreed]*

I declare the resolution carried.

Hon. Rochelle Squires (Acting Government House Leader): I ask for leave to see if it's the will of the House to call it 12 o'clock?

Mr. Deputy Speaker: Is it the will of the House to call it 12 noon? *[Agreed]*

This House then is recessed and stands recessed until 1:30 this afternoon.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, April 18, 2023

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