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of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
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(Hansard)

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Forty-First Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, November 8, 2018

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.

Please be seated. Good morning, everybody.

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

Mr. Andrew Swan (Minto): Yes, on House business, Madam Speaker, would you see if there's leave to move directly to Bill 225 this morning?

Madam Speaker: Is there leave of the House to move to debate on second reading of Bill 225, The Human Rights Code Amendment Act? *[Agreed]*

**DEBATE ON SECOND READINGS—
PUBLIC BILLS**

**Bill 225—The Human Rights Code
Amendment Act
(Genetic Characteristics)**

Madam Speaker: Therefore, debate on second reading, Bill 225, The Human Rights Code Amendment Act (Genetic Characteristics), standing in the name of the honourable member for Brandon West, who has four minutes remaining.

Mr. Reg Helwer (Brandon West): Pleased to rise today to resume debate on this particular bill. It's been a while since we did discuss it. And it's one of these things that there are a lot of nuances in, Madam Speaker. I've read the bill in detail and looked at legislation in other parts of the world and had some experience on testing as well.

Madam Speaker, as you know, we—our family had to go through testing a couple of times through the kidney disease that our daughter had, and it was—when we first ran into 'iss—this, you know, we—as parents, you'll do anything to help your children.

And the discussion, of course, started off that, well, your daughter needs a kidney, and this is the process of how we go through for testing to see who's a good match. And, of course, we're volunteering and ready to go right away to get the testing done and started, and let's find out who's the best match.

And then there was the calming effect of Transplant Manitoba, say, whoa, whoa, whoa, whoa, you have to go through the process and apply to be tested in a different format. You can't tell us in the presence of your daughter that you want to be tested, and the reason for that, Madam Speaker, is to remove any of the pressure that you would have from someone who needs a transplant on the individual that might be considering a living donor transplant.

So the intent there is that you remove any of that pressure from the individual, that you have the discussion with the proper individuals who can counsel you on what would happen if you were to be a living kidney donor so that you can make that decision without any pressure from that individual.

And we know that in any situation like that there is a lot of stress on all parties. There's a lot of stress to get it done quickly and—the transplant wanted to make sure that they remove some of those stresses. They have the calm discussions with the parties that may or may not be involved and the individuals can then make that decision with wise counsel as opposed to making a decision where it would be public, for one thing, or they would be, indeed, being pressured.

So I think, when we look at genetic testing and the various parties that have concern, I think there's a need to look out and see who would have concerns about this and what those particular concerns would be and, indeed, the need for further consultation so that we can find out what some of the pitfalls would be or what, mostly, actually, what the perceived challenges would be, because there's lots of challenges, not just from a government side, but there is—there are challenges, of course, from religious sides; there are challenges from any areas where you might, indeed, see discrimination, and we want to minimize the discrimination that people might perceive.

And, indeed, that is what this particular act does speak to, is removing discrimination, but we want to make sure that it not only works through what we currently have, but make sure that when we speak to individuals that administer The Human Rights Code that they have a proper outlook on how this might change things, if it's necessary, if it's already covered in The Human Rights Code because they are the experts on that. I would suspect that most of us here in the Legislature are not experts in The Human Rights Code, so we want to make sure that everything is, you know, on a level playing field and that we don't leave anybody out.

Mr. Rick Wowchuk (Swan River): Good morning, and thank you, Madam Speaker. On the—just want to mention, too, on the eve of all our fellow colleagues going into their constituencies for constituency week break, I know you've got a hectic schedule and I wish you all the very best in that week back in your home constituencies.

Madam Speaker, I welcome the opportunity to put a few words on record in regards to Bill 225, Human Rights Code Amendment Act (Genetic Characteristics).

Madam Speaker, many families talk about their genetic history and about their personal well-being, what in their family tree may be threats to living a healthy lifestyle. People always want to connect with their past. To do this many family members fill in forms and send information off to get analyzed, and this triggers a lot of curiosity.

Any individual may decide to phone their doctor and having a genetic test done or purchase the advertised package and fill out the required boxes and submit their information to be analyzed. Information is returned and families learn about their ancestry and who they're related to and their family medical and genetic makeup.

This may give rise to their genetic makeup and the dominant genes in their family tree may come to light a lot of times. Then a sentence or two stands out as they're reading: Family member X had a heart problem or some genetic defect and it appears that it was passed down from generation to generation, or a family member is at high risk for a particular condition.

Madam Speaker, this profile begins to identify other family health and family traits that a person possibly never knew. This is educational and offers amazing insight into their past. Or does it?

What do you do with the new-found information? Citizens have a right to privacy, and most value their right to keep health issues very private. The transferring of medical information from one person to another is not permitted and kept closed in their file.

*(10:10)

So what's a person do with this information when they are informed of their medical history and the possibility that they may be likely to develop an illness related to their genetic history? How does this impact any of their work, insurance or business transactions that may have requested the individual identity—or the individual identify any health concerns? How do we protect individuals from being discriminated against? What is the individual's right to not disclose, as it is based on a report and the person has already compiled with all the tests' requirements to get insurance and their employment?

The affordability of a genetic test makes it accessible and appealing for most people. Genetic tests might reveal that a person has an inherited condition that'll increase the risk of one day needing advance health care or being unable to work. This can affect decisions made about a person such as whether they should be hired, or qualify for life or disability insurance and employment.

These questions are one which are serious in nature and they need to be closely considered. Individuals have the right to decline some tests which are not needed to obtain employment or insurance and they can answer questions based on their current knowledge of their health. There may be fair—or a fairness issue at stake regarding risk and appropriate disclosure that needs to consider what a reasonable expectation of consumer privacy is and what is not.

Madam Speaker, our government is opposed to discrimination in any form. Human rights are important for all legislators to uphold and we have a duty to protect all Manitobans. Bill 225 aims to address any discrimination one could face regarding their DNA and any genetic dispositions.

The Manitoba Human Rights Commission has reviewed and assessed this issue, and it was determined that there is sufficient authority within The Human Rights Code to address this manner of discrimination if it is required; however, further consultation is still needed.

We need to ensure that the legislation does not overshadow any other areas within The Human Rights Code in Manitoba. The use of genetics for personal and business gain has been a matter of concern for various industry, consumers, privacy and international policy groups and watchdogs. Balance is the key to ensuring that rights of all citizens are being considered.

Easy access to DNA testing shouldn't come—or should not become part of an industry which will exploit individuals and their information. In other words, no one person or industry should gain from this information. By working collaboratively with all our stakeholders, we can find real solutions that'll lead to positive, lasting results for all Manitobans.

The nature of insurance is to protect against risk. But if one party has an advantage in the contract, there ought to be full disclosure. The balance of fairness and good fate is so important.

Madam Speaker, this issue was also raised at the federal level, in May 2017, further address—or further address any possible discrimination. The federal Genetic Non-Discrimination Act received royal assent. This act prohibits any person from requiring another to undergo genetic testing or disclose results of genetic tests for the purpose of providing goods, services, entering a contract or agreement, or continuing the terms of a contract or an agreement with that person. This offers protection to that individual as non-compliance is a serious offence with fines up to \$1 million and up to five years in prison.

The act is being challenged. Quebec government views the act as non-constitutional and initiated a reference at the Quebec Court of Appeal in June of 2017. Quebec isn't alone in their reference; BC, the Canadian Life and Health Insurance Association, the federal government, the Canadian Coalition for Genetic Fairness and the Canadian Human Rights Commission have all joined the ongoing litigation.

Our government will continue to monitor the federal situation, and we're very interested to hear what the courts will have to say on this very important matter.

While Quebec's reference is in court, the health insurance association is consulting and preparing a code of acceptable business practices related to genetics. The draft code includes capping life insurance policies at \$1 million, changing and

capping critical illness, long-term care and disability insurance policies—or policies, and insurers will not be able to ask for or use the results of any predictive genetic test that any individual has taken for underwriting. Caps would only apply to genetic tests that are predictive and taken prior to the appearance of symptoms.

Madam Speaker, balance is the key. It's important to find a balance with what constitutes reasonableness and what constitutes fairness when entering a contract with respect to privacy. The nature of insurance is to protect against risk, but if one party has an advantage in a contract, there ought to be full disclosure. The balance of fairness and good faith is important.

Manitoba Human Rights Commission understands that this type of discrimination may exist. They have always been particularly mindful of any amendment to section 9(2) of The Human Rights Code or Manitoba Human Rights Code that lists the groups of persons against whom discrimination is prohibited. This is because that list captures groups of people who have been historically disadvantaged in the workplace and in accessing housing or services available to the public.

There is much work that needs to be done with regards to the implementation of Bill 225. Consultation with many stakeholders needs to continue so everyone involved can have a fair say. Review of other jurisdictions in Canada and what this legislation is so Manitoba is consistent with what's happening in other parts of Canada.

Manitoba Human Rights Commission will review amendments to the Manitoba Human Rights Code to ensure that no discrimination exists, monitor the federal situation, see what the courts say. These are complex issues, and a constitutional review is currently under way.

Madam Speaker: The member's time has expired.

Mr. Alan Lagimodiere (Selkirk): I want to start by saying it is a pleasure to stand in the House and put a few comments on the record in regard to any bill or resolution that comes forward for debate. Debating items of importance is the purpose of democracy that I appreciate even more around Remembrance Day. I always consider it a privilege, a privilege protected by our own veterans who were prepared to sacrifice their lives so we could have the opportunity to stand

here today before all Manitobans in this House in freedom—freedom of speech and an opportunity to put our comments on the record.

Today is indigenous veterans day. More than 25,000 indigenous veterans volunteered to protect our freedom and democracy during our world wars. The most highly decorated Canadian war veteran of all time was our very own Thomas George Prince, or Tommy Prince, from the Brokenhead Ojibway Nation. Today, a plaque hangs in the halls of our Legislature to honour him. Madam Speaker, even though Mr. Prince was a celebrated war hero, he had to continue his fight, his own demons and discrimination, after his return from protecting our country. He was just one of our indigenous veterans that returned and were declined the honour and rights given to other veterans because they were indigenous.

Madam Speaker, I need to confess: This is a bill that has me asking more and more questions. Being a scientist, one trained in the importance of genetic testing and the ability to predict the potential for the development of certain diseases and processes, genetic testing has always been a tool I would rely upon. It provided a clinical advantage. It can allow a clinician to more accurately decide on a course of monitoring or even preventative steps to ensure the potential for a long, productive quality of life. Genetic testing is a valuable tool that, when used responsibly, can guide us in planning the future.

*(10:20)

On the other hand, there exists the potential for serious misuse of this information from not only those who know they have a genetic trait or a predisposition, but also from those who, when we take the data, to allow them to disadvantage those they feel have a specific genetic trait.

Madam Speaker, my family knows only too well the effects of discrimination caused by one's genetic makeup. Prior to and following the Riel Rebellion, Metis people were pushed off their homelands and displaced by colonists. Well-established homesteads that in some 'instansnes'—instances had been in their families for generations, because of their Metis genetic makeup, they were forced to start over. Many became known as ditch people, considered savages—savages—by the same colonists they had helped survive during the colonists' early days in this challenging land. Governments and colonists took specific measures and efforts to try to eliminate Metis and indigenous people.

My family moved north, lived off the land, found refuge and a life outside of white and indigenous settlements. My family only moved to a white community in the late '40s, telling everyone they were French. When I started school I knew there was something different. I remember my grandmother telling me to never let anyone know I was Metis. She believed I would not get an education and would have trouble finding a job if anyone knew my background. We did all we could to conceal who we were from others in order to have an opportunity—an opportunity to be accepted as equals without judgment.

Madam Speaker, imagine someone at five years of age having to deal with the reality of being told they would not be liked by others in the community if they found out who you were genetically.

Today I am proud to say the world has changed. For most of us, we have evolved as Canadians, yet the scar—scars and the pain remains.

Many in this House have no knowledge of the hardships faced by the indigenous and Metis people of Manitoba under colonialism. Many do not understand the 'ongonning'—ongoing discrimination from those who do not understand or, even worse, those who do not want to understand. There are some who acknowledge the discrimination of others but turn a blind eye to those in their own backyard.

Madam Speaker, a few years ago, my wife was having some serious health issues. Numerous visits to specialists, cardiologists, pulmonary specialists, Cancer Care, dermatologists, hematologists, rheumatologists, culminated in a discovery she has a rare genetic condition called CREST syndrome. In severe cases, this genetic disorder results in cardiovascular failure at a very young age. There's no known cure, only supportive treatment. And the initial diagnosis, until today, the prognosis was guarded.

But new treatments, new options, have made this once life-threatening diagnosis manageable—manageable, only because we know the genetic basis of the diagnosis. What would have happened if treatments and testing were denied because of genetic testing?

What will happen to our children who just start out in life, if genetic testing reveals they could develop clinical symptoms of a serious genetic disease? Will they be denied promotions at work? Will they be denied life insurance, disability

insurance? Will they be denied the opportunity for education or advancement at work if their employers are made aware of the genetic marker? My wife was denied both disability and life insurance when she self-declared her condition to the insurance company.

Madam Speaker, we are living in an age of rapidly changing medical technology. Treatment options change on a daily basis. What will happen to those who are discriminated against today when the genetic disease is no longer a concern in the future? Their lives would have been permanently altered forever. Their dreams and aspirations for their future would have been controlled by others who only had access to a genetic test.

Madam Speaker, my family is riddled with cancer, cancer of all kinds: stomach, lung, breast, esophageal, pancreatic, lymphoma, lymphosarcoma, melanoma, lymphocytic leukemia. Because of this, we have asked to be part of a genetic testing program so we will know the risks and we can hopefully manage our own risk factors. But the question arises as to just who should have access to this information. Just us? Our family? Our potential partners? Our health-care providers, our insurers, our employers, our colleagues? The government?

On the surface, the message contained in Bill 225 with respect to The Human Rights Code Amendment Act and specific genetic characteristics that could be used for discrimination, whether inadvertently or purposefully, is something we should all be concerned with.

Madam Speaker, our government is opposed to discrimination in any and all forms. We know that human rights are important for all legislative members from all parties to uphold, and we also know that we have a duty to protect all Manitobans. I want to commend the member from Minto for bringing this bill forward. In reading the bill, I understand the member from Minto's intent is to amend The Human Rights Code to prohibit discrimination on the grounds of genetic characteristics. I also understand that the member includes the circumstances where a person might be discriminated against, such as discrimination against an individual for refusing a request to undergo a genetic test.

We can all agree that these are extremely complex issues and we need to understand not only what is going on in our own province, but also what is going on across Canada. Madam Speaker, I

understand from the member what his intentions are, and it is one that I am sure we as Legislatures can all agree with. However, similar federal legislation is currently going through a constitutional review process, which all provinces are closely monitoring. I believe the intent of protecting Manitobans from discrimination and unreasonable invasion of privacy is important, but we also need to ensure that we are consistent with what is happening in other jurisdictions across Canada. As a scientist, I understand that genetic testing and screening is a tremendous tool that can provide valuable knowledge for doctors to provide the medical attention patients need. We also need to acknowledge that genetic testing is not available for every single condition, that genetic testing is subject to evaluation and interpretation and that there exists a potential for false positive and false negative tests.

Madam Speaker, who should be allowed to evaluate the tests, to make the judgment call on the significance of positive test results? Under what conditions will the gene have a greater potential to express itself or remain silent? Who should be allowed to pick and choose what testing is done and for what conditions? This becomes a very complex issue. Who should have access to the information and for what purposes? As I stated in the onset, this bill has me asking more and more questions that, to me, would need to be addressed prior to passing any new legislation with regard to genetic testing and discrimination.

Thank you, Madam Speaker.

Mr. Derek Johnson (Interlake): Before I get into Bill 225, I'd like to—be my only opportunity to speak in the House today and being Aboriginal Veterans Day, I'd like to thank all my constituents who have served in general, but today recognize the ones of Aboriginal descent. Today I have an event going on in my community that I couldn't attend. My CA is attending on behalf of myself, so she's passing on all the thanks, and that comes from this entire—I think not just this side of the House, but I think we can safely say, everybody in this whole Chamber here today and all Manitobans really appreciate the service that they've gone through not just them, but their families as well, the sacrifices that they've done in servicing—serving our country and just encourage anybody that can get to a service today for Aboriginal Veterans Day, just encourage everybody in the House and anybody who's listening to please make the time to do that and show the thanks for all

of the—show the thanks for everything that they've done for our country.

So now a little bit on Bill 225, Madam Speaker. I guess I want to start off by just saying that the Manitoba Human Rights Commission has reviewed and addressed this issue, and it was determined that there is sufficient authority within The Human Rights Code to address this manner of discrimination, if it's required. So the member from Minto, when he was asked who he consulted with, he didn't mention that he consulted at all with the Manitoba Human Rights Commission. He's—I don't recall, when he was asked, if he's consulted—who he consulted with. He didn't come up with anybody that I recall. This bill was brought forward a while ago, so maybe my memory isn't one hundred per cent accurate. But I don't believe he has had any consultation with bringing this forward at all.

*(10:30)

And here, our government is obviously opposed to discrimination in any manner, whether it's genetic, whether it's size, whether it's intellectual, whether it's a deformity of a—disability of that manner. So this side of the House supports that, and I'm certain that the members on the other side would concur. But in this case, we believe that the Manitoba Human Rights Commission has all of this addressed under their current legislation. So human rights are obviously important for all legislators to uphold, and we have a duty to protect all Manitobans, whether it's under this type of—or whether it's physical.

So the intent of protecting Manitobans from discrimination and unreasonable invasion of personable—personal privacy is important. You know, there's probably people in here—there's the different genetic testing like ancestry.ca. We may have done that for kicks, but now our genetic code is given out to a third party, I guess, for lack of a better term. And, really, who knows exactly what they're doing with that information. Sure, it's under the 'prefise' of telling you where your roots came from, whether it was from, you know, Europe or some people are from further south and—according to ancestry.ca.

So I bought into this, of course, and I have potentially 1 per cent from north Africa. So maybe my cousin Ben Johnson, and there's a few other ones, Magic Johnson, you know, maybe that's where I get my height from. I was—I did play a little bit of basketball in high school, but I didn't get those

genetics to get me to the full height, or did I get the talent that maybe some of my distant, distant cousins have. But I also—I'm also told I am of Icelandic descent. I mean, who would have guessed that? *[interjection]* Yes. So it's very, very interesting how a test like that, accurate or not, suggests where you can be from in the world. So it's quite interesting.

But back to my point of do they—or are they going to be taking my genetic code and maybe checking for diseases? Maybe. So maybe 10 years down the road I might get a letter in the mail or an email, probably, if, with this technology, I might get an email saying that I'm predisposed to some sort of disease. And that's very possible. Do I want to know? That's another question. Would I want to know that I'm predisposed to a certain condition? Each individual would have their own opinion on that.

My family, they have a lot of colon cancer. My father passed away from colon cancer. I had numerous great uncles that passed away from colon cancer, that it moves to the liver and ultimately takes their life. But I know that from history and I take the precautions to try and get tested. I've also had some successful great uncles that have beaten it. They detected it in time and they're—they lived out another 20 years before—life ultimately takes us all.

So getting back to ancestry.ca or any other genetic testing—I don't mean to name that company in particular, that's the one that I just took a little bit of time—and, you know, all you do is you swab the inside of your cheek and you throw it in this little container and put it in the mail and you get an email six weeks later suggesting what your heritage may be. So it was very, very entertaining. I have up to 100 per cent Icelandic—or Scandinavian descent. But there are these little factors, and one I mentioned was North African and another one was potentially a little bit of Irish in me. So maybe that explains my red beard when it grows out, but maybe it's after my ancestor Leif Ericson as well.

But, back to Bill 225, the intent of protecting Manitobans from discrimination and unreasonable invasion of personal privacy is very important. I actually made the choice—I made the choice to swab my cheek, put the Q-tip or the end of the Q-tip in this container and send it away. So if—at what point is somebody going to be asking to make this mandatory, mandatory to swab your—the inside of your cheek and send it away, you know, to potentially find out if you have some health issues.

You know, the health system, would it be advantageous to know that somebody's going to be having, potentially having a fatal disease and, you know—and the saying an ounce of prevention is worth a pound of cure—but would we, as legislators, ever consider making it mandatory to prevent diseases? You know, where does it stop? Where does the 'genetic'—genetic testing stop? And how do we treat that as a House here? Like, I did mine as entertainment. But now my genetic code is out there, somewhere. I don't even know where it is. Somewhere over in Europe—[*interjection*] Yes, that's potentially risky, and maybe it's going to be something that'll catch up with me in the past and, you know, harm me because my information—I can understand, though, I can wholeheartedly understand, Madam Speaker, if they would want to clone me. That would be understandable, maybe not to everybody in this House, but I could definitely understand their want to do that.

But I guess I just want to close just with my last few seconds, and once again thanking the Aboriginal veterans, as today being Aboriginal Veterans Day, and I'd like to thank my CA to stand in my place and make thanks to them personally today in Riverton and we'll go on—I won't have—I'm not scheduled to speak before November 11th, so I want to go on to thank all veterans, not just Aboriginals, all veterans, for their service.

So thank you for that, and on those few notes, I would like to thank you for the time, Madam Speaker.

Mr. Brad Michaleski (Dauphin): Thank you very much, Madam Speaker—

Audio system failure

Madam Speaker: The honourable member for Dauphin, we're having some difficulty hearing. Is it working now? [*interjection*] I think I heard that.

Does the honourable member for Dauphin want to just start again, and let's see—I thought I heard it being picked up. [*interjection*] Order. We need to clarify this first, so one moment, please. [*interjection*] I wouldn't advise it.

* (10:40)

Is there leave of the House to allow the member for Dauphin to move to a different seat in the House to continue his speech where there is a microphone that is working? [*Agreed*]

Mr. Michaleski: Better late than never, Madam Speaker. Thank you very much for giving me the opportunity and—to continue on with my speech on Bill 225, the Human Rights Code amendment, brought forward by the opposition.

The bill prohibits discrimination on the grounds of genetic characteristics and includes discrimination in circumstances where a person refuses a request to undergo a genetic test or to disclose, authorize a disclosure of, a genetic test.

This is very much an issue that's developing quite rapidly, and I would say it's not unique to Manitoba. It's national—more than likely, global—in scale.

Advancements in technology are great, and they are happening at lightning speed, and we have to be careful, always careful on the speed of these changes and be—take a responsible approach towards legislation and what that would look like, if at all.

So knowing versus not knowing the genetic issues is very much a personal choice in a lot of cases, and just listening to the number of colleagues talking about some of their personal experiences with genetic characteristics in the health field, there's—without a doubt, this technology has improved the lives of not only all Manitobans, but all Canadians, and it has proven to be a positive for a lot of people.

So—but, again, the information garnered out of this stuff is sensitive, and we need to be careful, because knowing and not knowing, whether it could be a personal choice—and if you know that information, the difference between knowing and known—knowing and not knowing can lead to different outcomes for the person that knows and the person affected.

So technology, again, is enabling us to see things we're—we've never imagined, and it's happening very, very quickly. So it's important, again, as legislators, we do not overreact and we don't push through legislation based on any other ideology or anything like that. It has to be very, very well-thought-out.

So we look at the—we look at what's going on at the federal government level, and, of course, the Genetic Non-Discrimination Act has received royal assent. It's not in force, though. And we look at the Quebec government challenging this act as being unconstitutional, and there's also a number of intervenors coming to speak and talk about this act, because it is a—very, very much a complicated and complex issue to deal with.

So—and like the member from Selkirk, who said he has a number of questions that he's raising, I also have—in just reading the wording in this and doing some bit of investigation into the issue, no other province have this legislation. And why is this? And maybe the Quebec government sees something here beyond just being unconstitutional.

With the medical technology and awareness that's increasing, is it wise for Manitoba to go on this thing alone? Is it wise for us to be passing this legislation? And do we know the unintended consequences of Manitoba being the only one, the only province to make Bill 225 law? Does this province become an island of refugees who—people with known health issues. Do we become an island? What affect does that have on Manitoba's health-care system?

Like that's—when I talk about there's different outcomes, when you know and don't know, that—it could be some of the unintended consequences, which could harm and hurt a lot of the Manitoba medical system. It could overwhelm it. We don't know these things.

These are things that need to be debated, and these things need to be raised. I know, as an employer, I know I'm okay not knowing what potential employees may have going on with them that I can't see. Many people I've worked with over the years have had great working relationships with a lot of people. And I've been in positions where I've had to hire a lot of people over my career, and I can honestly say we just never went into that type of questioning.

And I know those—looking back, there's a lot of great people that I've worked with that have had very successful lives and contributed tremendously both to the work environment and to their community, and that's really what's most important.

So, when we look at what the insurance companies—and, again, when we took—look at this issue, we look at the stakeholders that, who can weigh in on this. And, of course, we look to the insurance companies, and they're—obviously, they have a draft of practices that they're looking to adopt which is—deals with capping life insurance policies at a million dollars, changing the critical illness policies and long 'tomb' policies. But the insurance will—insurers will not be able ask for or use the results of any predictive genetic tests that an individual has taken for underwriting. And, again, I think that's

a very strong statement from one group of stakeholders.

And, of course, what I look for is that input from the stakeholders that's reasonable. And insurance companies, like all risk assessors, operate with margins of risk built into premiums. They know data and they're able to calculate premiums based on known data.

But they don't—do they need to know all the details? And, again, I'll go back to me as an employer—do you need to know all the details? I don't know the answer to that question. But the Manitoba Human Rights Commission has weighed in, and they've also reviewed and assessed this issue. And it was determined that there is sufficient authority within The Human Rights Code to address this manner of discrimination, if required.

So, just to sum up, Madam Speaker, this is—this really is a very, very complex issue. And our government is attempting to restore confidence by adopting responsible measures towards smart legislation, ensuring proper consultations, listening to the experts and weighing that out. And there's a lot of stakeholders within this that are raising question marks on whether this legislation—or this type of legislation should be enacted, if at all. But it's important that the conversation and the debate keeps going. Our government is opposed to discrimination of any form, and the issue of discrimination and unreasonable invasion of personal privacy is important. Our government will continue to monitor the federal situation and continue to engage stakeholders on this very important issue.

*(10:50)

So, again, Madam Speaker, and I think I'll just, in my last 20 seconds, I'll echo what the member from Interlake expressed was our—please, everybody with Remembrance Day coming up, please get involved in some of the local community Remembrance Day services and pay our respects to many people who've fought for this great country and province.

Thank you.

Mr. Scott Johnston (St. James): It's always a pleasure to address the House on the very important business that we deliberate over, and certainly I look forward to putting some comments on the record today on Bill 225. But, Madam Speaker, before I start, as other speakers have done previously, I would like to recognize the Remembrance Day

services that I will be part of in my constituency of St. James.

The Bruce Park service with the Bruce Park cenotaph, which has been always supported and erected by the St. James Legion No. 4, is a very 'prestigious' and well-attended remembrance service in the community of west Winnipeg, and it's always an honour for me to present a wreath on behalf of the Province. And the—I'm also joined by the Government of Canada, the MP who lays wreaths, as well as the City of Winnipeg councillors, the school board, as well as numerous fire department, police department and scouts, et cetera; and 17 Wing is always in attendance; and it really is a very, very commemorative service. And any members who may be seeking an opportunity to attend services, I would certainly welcome you and highly recommend this service.

Also, in my constituency, Madam Speaker, I have the John Osborn army, navy and air force, which is located in the Polo Park area, and it's not a well-known army and navy facility, but certainly it is supported very loyally by all of the members of that particular branch, and they certainly pay tribute to our veterans.

The member for Minto (Mr. Swan), in his comments in the House the other day, had indicated the services that he's involved with and also, too, celebrating the three heroes from Pine Street, now known as Valour Road. And I know the member is very proud of attending Minto Armoury, I believe, and my constituency comes right up to join the member, so I share in his pride for those particular venues and, certainly, opportunities to express our remembrance of such great people.

I, also, too, Madam Speaker, am very, very supportive and very, very humbled by the indigenous veterans that we celebrate today and will be celebrating with my colleague, the member from St. Norbert, who will be speaking at a ceremony in the Rotunda today, and I look forward to joining him and all members of the House.

Madam Speaker, I wish to express my appreciation to our Minister of Justice (Mr. Cullen) and our Minister of Health who have been doing their due diligence in monitoring the generic discrimination situations and issues that we are facing and deliberating over today. It is certainly an issue that does take a great deal of due diligence, and our ministers are certainly very aware and always on top of issues.

And I would also like to express my appreciation to my friend, my friend from Minto, the member for Minto, who has brought this bill forward. And I know that the member from Minto, with his legal—

Madam Speaker: Order, please.

The honourable member for St. James.

I would just ask everybody—there is a member speaking in debate, and I would ask everybody to keep their conversations quieter.

Mr. Johnston: As I'd indicated, the member of Minto's law background, et cetera—I believe that he is very genuine and concerned in bringing forth Bill 225. And it's—when I started to research this bill and started to familiarize myself with all of the issues, I must say, Madam Speaker, it was very interesting and very educating, as everything we do in this House is, but sometimes we're not as familiar with the issues until we do some research on it. And I want to indicate to the House that it is a very interesting and certainly comprehensive issue that does deserve due diligence.

And, during my review of this issue, it—one of the things that I found very interesting is that there are so many challenges, over 100 different diseases that can be traced back through science, et cetera. So this whole issue is just not an issue to a very focused group; it's an issue to virtually all of—all human beings, certainly all Canadians. So, therefore, the consideration of this issue is certainly deserving the prominence that it's getting in today's society.

I note that during some of the presentations that we as MLAs receive, they are very, very informative and explaining that due to hereditary situations, it is so important that physicians, through regular checkups, determined through testing the various situations that can exist. I know in our own family, diabetes is something that did exist in our family. And, when we had Diabetes Canada come in and present to the MLAs, one of the things that was very apparent is that this is a hereditary disease, and people that have it within their families have to do their own due diligence to ensure that they're checked and monitored. And they should be able to do that under privacy, and their rights should be protected when they face those types of challenges.

And there's other—certainly other issues that are common: Huntington's, Parkinson's. Lynch's syndrome is something that existed in our family also, too, and 50 per cent of the people who have suffered from that disease that's passed on through—

Madam Speaker: Order, please.

When this matter is again before the House, the honourable member will have two minutes remaining.

* (11:00)

DEBATE ON RESOLUTIONS

Res. 3—Restore Public Transit Funding for Municipalities

Madam Speaker: The hour is now 11 a.m. and time for private members' resolutions. The resolution before us this morning is the resolution Restore Public Transit Funding through—for Municipalities brought forward by the honourable member for Fort Garry-Riverview (Mr. Allum).

Standing in the name of the honourable member for Brandon West, who has two minutes remaining.

Mr. Reg Helwer (Brandon West): I'm pleased to rise to continue speaking to this resolution.

Obviously, all that—not all that important, because it was quite a while ago that I—to the members opposite, I guess—because they haven't brought it back all that often, you know.

Mr. Doyle Piwniuk, Deputy Speaker, in the Chair

It was quite a while ago that I do recall speaking about this, and that was a long, long—[interjection] I'm being heckled by the member here. She just can't seem to control what happens in her caucus.

So, you know, it's not a surprise that the NDP doesn't understand the funding basket, and it's something that we've spent a lot of time dealing with municipalities, explaining how they have better control of where they can spend the funds. You know—and I know that math can be difficult for people.

I do recall that when we were in opposition and the NDP were in government, that they had trouble counting people in—that worked for the government. They tried to present that if they had a new position that they created, they would count that position this year and then they would count it next year, and that would be two positions they created. And then they'd count it the next year and the year after that, and they would average out over five years, they—in—by the same individual occupying the same position, they thought that would be five positions. And that's how they multiplied.

And so, you know, it's just difficult to see where they don't understand the math, Mr. Deputy Speaker. So we tried to explain it to them, but you know, when people are challenged in math. If—you do have to work on your explanation, give it a way that they can truly understand it, and the municipalities are getting it. They're understanding that they now have—[interjection]

Pardon me?

An Honourable Member: I said they're getting it all right.

Mr. Deputy Speaker: Order.

Mr. Helwer: Well, I think that's a little unparliamentary, Mr. Deputy Speaker, but anyway. However, member for Fort Garry-Riverview (Mr. Allum) is—

Mr. Deputy Speaker: Order.

Mr. Helwer: —making. Ah well, we'll just let that go, I guess.

Mr. Deputy Speaker: The honourable member's time is up.

The honourable member for Thompson.

Oh, sorry.

Mr. Kelly Bindle (Thompson): It's no secret that —

Mr. Deputy Speaker: Excuse me.

The honourable member for Point Douglas.

My apologies.

Mrs. Bernadette Smith (Point Douglas): Miigwech, Deputy Speaker. It gives me great honour to—

Mr. Deputy Speaker: The honourable member for Point Douglas has already spoken on the—on this resolution. So the honourable member for—oh, the honourable member for Minto.

Mr. Andrew Swan (Minto): I think it's a pleasure to follow the member for Brandon West on his comments today.

I wonder how the member for Brandon West is going to do when he goes back to his community next week and he has people in Brandon asking him why his government ended the long-standing practice of sharing the cost of Brandon's transit system 50-50.

And I don't know if he's going to try using that argument, because I know Brandon pretty well, and I'm pretty satisfied in saying the arguments that the member for Brandon West (Mr. Helwer) just put on the record really aren't going to go over very well.

And, Mr. Deputy Speaker, I'll sit down as well to make sure the member for Thompson (Mr. Bindle) gets up and puts some comments on the record because we'll see what's going on in his community. In fact, we know in Thompson when Greyhound pulled out, there became a major issue in the city of Thompson. In fact, there was no transit service and I believe—unless that's been rectified, I'm not even sure if there is transit service today in the city of Thompson, but whatever they're going to have is not going to have the former promise of equal sharing between the provincial government and the municipal government.

It's quite simple. The Premier (Mr. Pallister) broke Manitoba's long-standing commitment to fund 50 per cent of operating funds for public transit services in municipalities. Yes, certainly we've spent much of our time talking about Winnipeg, but there also is, as I've said, Brandon, Thompson, many other municipalities that operate bus services for their citizens.

And why do they do that? Well, because it's in everybody's interest that people can get to and from work, people can get to and from school, people can get to and from medical appointments, or people can simply get around, whether it's visiting friends, enjoying recreation, volunteering. For many people in Manitoba, transit is how they accomplish all of those things.

And instead of stepping up and investing in a modern transit system to meet the growing needs of our province, well, this Premier and this Cabinet have decided to go the other way and they've determined that they would take regressive action to make public transit less effective in a time where it's even more important.

You know, yesterday I've rarely enjoyed a speech in this House as much as I enjoyed the member for Wolseley (Mr. Altemeyer) standing up and talking about why this Premier has the worst record of every premier in this country at being believed on climate change. And the member for Wolseley's message is quite simple: if the Premier wants to know why it's the case, the Premier should look in the mirror.

And this is another example. You know, you look at a bus, a morning bus—the No. 11 or No. 21 rolls by my house—my daughter will tell you if you get on the No. 36 bus, the northwest flyer that brings kids all the way from Maples all the way through the inner city, all the way through Fort Garry, out to the University of Manitoba, that bus is absolutely packed. And if there's 50 people, and some of the articulated buses 100, 120 people, how many cars is that taking off the road if those bus riders could even afford to take a car? Forty cars, 50 cars, 80 cars? The green benefits of having useful, timely, proper transit in the city of Winnipeg and the province of Manitoba has a huge green impact.

And instead—[interjection] well, the member for Southdale (Mr. Smith) is chattering away and I know there's people in Southdale that use the bus to get to the University of Manitoba, to get to the University of Winnipeg, to get to medical appointments downtown, to get to work. And I know when that member for Southdale walks around his community next week, he's going to have people asking what he did when it was time to stand up for transit.

And we'll find out later on this morning. The member for Southdale is going to have the chance to stand up for public transit, to stand up for people in his area that take the bus by choice or by necessity, and he can either vote in favour of this resolution and let his view in favour of public transit be known, or he can vote against the resolution, and that will be his choice.

I would encourage the member for Southdale—I'm not sure if he's had the chance to put his comments on the record or not. Maybe I'll sit down and let him have a few minutes to speak, as well, because that would be very, very helpful for people in his area, to know where they stand.

The Province's decision to freeze funding for Winnipeg Transit alone, not even mentioning the other municipalities, leaves the city of Winnipeg in a \$10-million hole, and that hole is going to get deeper this year, next year and the year after that. Madam Speaker, 79 per cent of people living in Winnipeg believe it's important for the government to split the cost of public transit funding with the City of Winnipeg. That's why it was done for decades; that's why almost four out of five people in the city of Winnipeg think that that should be restored.

And what happened as a result of that shortfall? Well, the City had to increase transit fees for Winnipeggers. The mayor said this left us with a

significant gap to fill and something had to give in order for us to balance the budget. Transit fares increased by 25 cents, the largest jump in fare rates in more than a decade, and as the member for Point Douglas (Mrs. Smith) has put on the record before, as other members have said, it now costs more than \$100 for an adult in the city of Winnipeg to buy a bus pass. The fare increase doesn't take into consideration the needs of Manitoba families and seniors who need the bus to get to work or to get to school.

And, you know, the Premier (Mr. Pallister) promised a fair say to municipalities, but instead he's forcing communities to dig deep, to cut service, to raise rates and, quite simply, that is unacceptable.

So I will sit down. I'll let the member for Thompson (Mr. Bindle) explain why he favours less transit in Thompson. Maybe the member for Southdale wants to get up and says why he opposes better bus service for people that live in his part of the city. I'm quite interested and I'm looking forward to a very important vote that's going to happen later this morning.

Thank you, Mr. Deputy Speaker.

Mr. Bindle: The NDP's so disorganized they don't even know if they already spoke to this resolution or not.

First of all, I want to thank Aboriginal veterans for all they've done for our country, for giving us our freedom and for protecting it and for all those who continue to protect it.

* (11:10)

There's no secret, Madam Speaker, when we took power from the NDP in 2016, we inherited a mess and we're cleaning it up. It was a huge mess in every department, in every file, and a massive growing deficit and a huge debt and huge debt-servicing costs growing. Government core spending was out of control, and thanks to the NDP.

But thanks to Manitobans giving our PC government the mandate to cleanup the financial mess, the NDP are no longer able to waste their tax dollars no matter how loud they yell that they want to jack taxes.

Why does the NDP want to jack taxes? Well, because their public sector union bosses that they're beholden to want money to run ad campaigns and to buy votes to promote the NDP. But we'll pin that up there for now, jacking taxes.

Right now we're debating the resolution brought forth by the often angry member for Fort Garry 'riveriew'—Riverview. It's designed to dictate to municipalities how to spend their money. It's an omnipotent—[*interjection*]

Mr. Deputy Speaker: Order.

Mr. Bindle: —condescending—[*interjection*]

Mr. Deputy Speaker: Order.

Mr. Bindle: —and paternalistic resolution, and I'm against it.

Dictation, Madam Speaker—the member for Wolseley (Mr. Altemeyer) talked about dictation yesterday in his incessant and continuous attempt to cover up his failure on the climate file during his tenure in government. He wants our government to roll over and let the federal Liberals impose a job-killing and economy-stifling escalating carbon tax on Manitobans. He supports a tax hike—a tax hike. [*interjection*] We'll pin that up over here and get back to that.

I was talking about dictation, how the member for Fort Garry river you used previous NDP government dictation to rural municipalities with no consultations with them and forcing amalgamations in 2013. When those municipalities decided not to just roll over and voiced their opposition and concerns, the NDP government just dismissed them as howling coyotes. This showed the NDP's true colours, a total disrespect for municipalities—not just municipalities, but the elected officials and the citizens of—[*interjection*]

Mr. Deputy Speaker: Order.

Mr. Bindle: —municipalities, a disrespect that resonated throughout their government and still remains throughout their party to this day.

I must say, Mr. Deputy Speaker, I was here in the Chamber—[*interjection*]

Mr. Deputy Speaker: Order. Order.

Pursuant to rules, the private members' resolution has been debated for three hours.

I now will call—I will put the question before the House.

Is the pleasure of the House to adopt the resolution?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Mr. Deputy Speaker: I hear a no.

Voice Vote

Mr. Deputy Speaker: All those in favour of the resolution, please say Yea.

Some Honourable Members: Yea.

Mr. Deputy Speaker: All those opposed to the resolution, please say nay.

Some Honourable Members: Nay.

Mr. Deputy Speaker: In my opinion, the Nays have it.

Recorded Vote

Ms. Nahanni Fontaine (Official Opposition House Leader): A recorded vote, please.

Mr. Deputy Speaker: A recorded vote has been requested, call in the members.

The question before the House is Resolution 3, Restore Public Transit Funding for Municipalities.

Do the members wish to have the resolution read?

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Deputy Speaker: Did I hear a—is it yes?

WHEREAS the Provincial Government has ended a decades long funding agreement with municipalities to pay for half of operating funds for public transit services; and

WHEREAS this cut to transit was buried in a massive omnibus bill which also included an across the board cancellation of growth funding formulas for municipalities; and

WHEREAS the in year transit cut has forced the City of Winnipeg to consider increasing fares by up to 25 cents, which would put an undue burden on transit users, especially low income families, seniors, students and newcomers; and

WHEREAS the City of Winnipeg has also been forced to consider service cuts to a transit system that users report as already overcrowded and infrequent because of this Province's cut; and

WHEREAS the City of Winnipeg has warned that reduction in service could mean laying off up to

120 transit drivers, and cancelling service on nearly 60 routes; and

WHEREAS cuts to transit presents barriers for Manitobans commuting to work or school, looking for jobs or trying to access health care; and

WHEREAS many Manitobans are concerned that the Provincial Government's cut will discourage commuters from choosing public transit over fossil-fuel burning cars; and

WHEREAS a commitment to transit would bolster Winnipeg's economic competitiveness and help attract new and vibrant business to the market; and

WHEREAS the Premier has failed on his election promise to protect the front line services that are relied upon by Manitobans.

THEREFORE BE IT RESOLVED that the provincial government be urged to immediately reverse its decision to cancel the public transit funding agreement with the City of Winnipeg and commit to a long-term, predictable, growth-oriented funding for municipalities.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Allum, Fontaine, Gerrard, Kinew, Lamoureux, Lindsey, Maloway, Marcelino (Logan), Marcelino (Tyndall Park), Saran, Smith (Point Douglas), Swan, Wiebe.

Nays

Bindle, Cox, Cullen, Curry, Eichler, Ewasko, Fielding, Friesen, Goertzen, Guillemard, Helwer, Isleifson, Johnson, Johnston, Lagassé, Lagimodiere, Martin, Michaleski, Micklefield, Morley-Lecomte, Nesbitt, Reyes, Schuler, Smith (Southdale), Smook, Squires, Stefanson, Teitsma, Wharton, Wishart, Wowchuk, Yakimoski.

Deputy Clerk (Mr. Rick Yarish): Yeas thirty—pardon me. Yeas 13, Nays 32.

Mr. Deputy Speaker: I declare the motion lost.

Mr. Deputy Speaker: The hour being 12 p.m., the House is recessed and stands recessed 'til 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, November 8, 2018

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