

LABOUR MANAGEMENT REVIEW COMMITTEE

November 16, 2012

Honourable Jennifer Howard
Minister of Family Services and Labour
Room 357 Legislative Building
Winnipeg MB R3C 0V8

Dear Minister:

We appreciate the opportunity to provide input and make recommendations on the proposal to repeal the provision under *The Employment Standards Code* (Code) that gives the Director of Employment Standards authority to issue a permit to allow persons with a disability to be paid less than the provincial minimum wage while working. It is also proposed that the legislation allow for existing permits to continue.

The Labour Management Review Committee (LMRC) notes the history of the permit system and that over 200 active permits were in existence in the early 1990's. Those permits were issued mainly for employment in retail stores, restaurants, personal care homes, and light manufacturing. Most were issued to employers based in rural Manitoba, where work for persons with disabilities is especially hard to come by.

While the members of the LMRC recognize the original intent of the provision was to create employment opportunities, currently only 19 permits exist under the provision. Members also recognize that concerns have been raised relating to the affect of repealing the provision on the employment of individuals currently subject to permits.

In today's workplace environment, opportunities for persons with disabilities are increasing that did not exist when the provision was utilized. Members also recognize that the Code will continue to provide for those instances when persons are appropriately working in therapeutic and rehabilitative programs.

The LMRC has reviewed the issue and unanimously agrees with the appropriateness of the repeal of section 85 of the Code. At the same time, all members recognize that the elimination of the 19 permits at this time could have a detrimental impact on the individuals that are subject to an existing permit. As such, it agrees that these should be allowed to remain in effect.

Thank you to the members of the LMRC for their timely consideration on this issue and to the staff in the Department of Family Services for providing assistance to the Committee on these matters.

Sincerely,



Kevin Rebeck
Labour
Caucus Chair



Michael Werier
Chairperson



Peter Wightman
Management
Caucus Chair

cc: Members of the Manitoba Labour Management Review Committee