

Legislative Update

by Stephanie Chan*

The following is a list of some of the Acts passed by the 2nd session of the 40th Manitoba Legislature in 2013. While every effort has been made to ensure the accuracy of the information provided, lawyers should refer to the specific legislative or regulatory provision. Current versions of Manitoba statutes and regulations are available online at <http://web2.gov.mb.ca/laws/index.php>.

The Highway Traffic Amendment Act (Respect for the Safety of Emergency and Enforcement Personnel), S.M. 2013, c. 4 (Bill 2, 2nd Session, 40th Legislature)

Royal Assent: September 13, 2013

Summary: Currently under *The Highway Traffic Act*, a peace officer has the authority to direct traffic in cases of emergency or when traffic conditions require it. This Bill extends that authority to a firefighter and clarifies that the directions of a peace officer or firefighter override the normal rules of the road.

This Bill also makes additions to the safety measures found in the Act in regards to approaching and overtaking emergency vehicles, roadside assistance vehicles or other designated vehicles that are stopped on the same side of the highway or engaged in activities that are prescribed in the regulations.

In Force: Part on Royal Assent; part on proclamation

The Employment Standards Code Amendment Act (Leave Related to the Critical Illness, Death or Disappearance of a Child), S.M. 2012, c. 45 (Bill 3, 2nd Session, 40th Legislature)

Royal Assent: December 6, 2012

Summary: This Bill amends *The Employment Standards Code* to allow Manitoba employees to take advantage of the new federal benefits as provided by Bill C-44, tabled by the federal government on September 20, 2012. These benefits include employment insurance benefits to parents caring for a child with a critical illness, and income support to parents of murdered or missing children whose death or disappearance is the result of a suspected *Criminal Code* offence. This Bill gives parents the right to take an unpaid leave from their employment and to be reinstated at the end of the leave.

In Force: On the same date that the federal programs come into force. This *Act* is now in force.

The Correctional Services Amendment Act, S.M. 2013, c. 5 (Bill 10, 2nd Session, 40th Legislature)

Royal Assent: September 13, 2013

Summary: This Bill amends *The Correctional Services Act* to authorize the recording and interception of inmate communications. Inmate communications may be monitored or restricted in specific circumstances. These powers do not apply to privileged communications.

In Force: Proclamation

The Public Schools Amendment Act (Safe and Inclusive Schools), S.M. 2013, c. 6 (Bill 18, 2nd Session, 40th Legislature)

Royal Assent: September 13, 2013

Summary: This Bill amends *The Public Schools Act* in the areas of bullying and respect for human diversity. The Bill defines bullying to recognize that it can take a variety of forms, including cyberbullying. A school employee, or a person in charge of pupils during school-approved activities, must make a report to the principal if they think a pupil has engaged in, or is

negatively affected by, cyberbullying. School boards must also expand their policies about the appropriate use of the Internet to include social media, text messaging and instant messaging. The Bill also requires each school board to establish a respect for human diversity policy. The policy is to promote the acceptance of and respect for others in a safe, caring and inclusive school environment. The policy must accommodate student activity that promotes the school environment as being inclusive of all pupils, including student activities and organizations that use the name "gay-straight alliance".

In Force: Proclamation

The Highway Traffic Amendment Act (Impoundment of Vehicles – Ignition-Interlock Program) S.M. 2013, c. 7, (Bill 21, 2nd Session, 40th Legislature)

Royal Assent: September 13, 2013

Summary: Under *The Highway Traffic Act*, a driver is restricted to driving a motor vehicle equipped with an ignition-interlock device if the person is convicted of certain alcohol-related offences under the *Criminal Code*. This Bill makes clear that the police may impound a vehicle being driven in contravention of that restriction. It also clarifies that a driver may be permitted, when necessary, to drive a vehicle belonging to the driver's employer that is not equipped with an ignition-interlock device.

In Force: Proclamation

The Highway Traffic Amendment Act (Increased Sanctions for Street Racing), S.M. 2013, c. 8 (Bill 23, 2nd Session, 40th Legislature)

Royal Assent: September 13, 2013

Summary: Under *The Highway Traffic Act* the police may seize a motor vehicle used in street racing and impound it for 48 hours. This Bill increases the impoundment period to seven days and gives the police the authority to suspend the driving privileges of the vehicle's driver for the same period.

In Force: Proclamation

The Workplace Safety and Health Amendment Act, S.M. 2013, c. 9 (Bill 31, 2nd Session, 40th Legislature)

Royal Assent: September 13, 2013

Summary: This Bill amends *The Workplace Safety and Health Act*. Key changes include: enabling a stop work order to apply to all workplaces of an employer when similar activities at multiple workplaces involve, or are likely to involve, an imminent risk of serious physical or health injury; providing for the appointment of a chief prevention officer and setting out the officer's mandate; strengthening provisions for a worker exercising their right to refuse unsafe work; requiring a worker safety and health representative in every workplace with 5 or more workers and a workplace health and safety committee in seasonal workplaces under certain circumstances; clarifying provisions for paid training and other activities of worker safety and health representatives and committee members; and expanding the list of activities or contraventions for which administrative penalties may be imposed, and strengthening the enforcement of those penalties. Consequential amendments are made to *The Workers Compensation Act*.

In Force: Proclamation

The Municipal Modernization Act (Municipal Amalgamations) S.M. 2013, c. 10, (Bill 33, 2nd Session, 40th Legislature)

Royal Assent: September 13, 2013

Summary: This Bill enables the Lieutenant Governor in Council, on recommendation of the minister, to make regulations amalgamating municipalities. The Bill outlines conditions for when

the minister may recommend a municipality be amalgamated and that municipalities must identify their amalgamation partners and, working cooperatively, submit a plan to the minister for amalgamation by December 1, 2013 (to be effective January 1, 2015). This deadline may be extended where significant complexities exist. The effective date of an amalgamation may also be extended, but must be no later than January 1, 2019. In addition, a planning district may be altered by the amalgamation of its member municipalities. Provisions are included that address the impacts of those alterations. Amendments are also made to *The Municipal Act* and *The Police Services Act*. The amendments to *The Police Services Act* provide a mechanism for addressing situations where an amalgamation results in two police services operating within the same municipality.

In Force: Upon Royal Assent

The Residential Tenancies Amendment Act, S.M. 2013, c. 13 (Bill 40, 2nd Session, 40th Legislature)

Royal Assent: September 13, 2013

Summary: This Bill amends *The Residential Tenancies Act*. Key changes include: landlords are allowed to collect one month's rent as a pet damage deposit; if a landlord carries out renovations in a way that maximizes inconvenience to a tenant and causes the tenant to move, the landlord is deemed to have terminated the tenancy and may be responsible for some of the tenant's incurred costs or to compensate the tenant for some tenant services charges the Bill sets out procedures regarding leave to appeal applications from an order of possession; landlords are given authority to terminate a tenancy if a tenant engages in an unlawful activity that causes damage to, affects the enjoyment of, or interferes with the security, safety, health or well-being of others in a rental unit or residential complex; and the regulations as to the annual rent increase guidelines are changed so that the manner of calculating the annual rent increase guideline ~~is~~ will be set out in the regulations.

In Force: Proclamation

* Stephanie is starting her 2nd year at law school and was the MBA summer student for 2013. Thank you to Manitoba Justice – Legislative Counsel for reviewing the article.