

Legislative Update

by Jana Vandale*

The following is a list of some of the Acts passed in the 1st and 2nd sessions of the 42nd Manitoba Legislature in 2019 and 2020. 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 https://web2.gov.mb.ca/laws/statutes/index_chap.php.

The Business Registration, Supervision and Ownership Transparency Act (Various Acts Amended), S.M. 2019, c. 25 (Bill 22, 1st Session, 42nd Legislature)

Royal Assent: October 10, 2019

Summary: This Act amends *The Business Names Registration Act*, *The Cooperatives Act*, *The Corporations Act* and *The Partnership Act*. The following are the key changes.

Extra-Provincial Registrations

- Registrars may enter into agreements with other Canadian jurisdictions respecting the extra-provincial registration of corporations, partnerships and cooperatives. Cabinet may make regulations about these registrations.
- Extra-provincial limited partnerships can now be registered in Manitoba.
- Extra-provincial limited liability partnerships that have an attorney for service no longer require a registered office in Manitoba.

Supervision of Cooperatives

- *The Cooperatives Act* is amended to authorize the minister to designate a Superintendent of Cooperatives. Those functions of the Registrar of Cooperatives that relate to the supervision over financial matters, the issuing of securities and appeals of membership terminations in a housing cooperative are transferred to the Superintendent. The Registrar is also no longer required to act as an adviser to cooperatives or provide model forms of articles and by-laws to cooperatives.

Ownership Transparency

- *The Corporations Act* and *The Cooperatives Act* are harmonized with recent changes to federal legislation respecting ownership transparency.
- Corporations must maintain a register of individuals who, separately or collectively, exert more than 25% of the shareholder voting rights. Reporting issuers, publicly traded corporations, licensed insurers and loan and trust corporations are exempt from this requirement.
- Corporations and cooperatives are no longer allowed to issue options or other instruments that are convertible into bearer form. Holders of such instruments that are in bearer form can require the corporation or cooperative that issued them to convert them into registered form.

The Employment Standards Code Amendment Act (Leave for Victims of Interpersonal Violence), S.M. 2019, c. 26 (Bill 7, 2nd Session, 42nd Legislature)

Royal Assent: December 5, 2019

Summary: Currently, an employee who is a victim of domestic violence may take a leave from work under *The Employment Standards Code*. This Act expands leave eligibility to an employee who is a victim of sexual violence or stalking.

In the Act, these three forms of violence are collectively referred to as interpersonal violence.

In addition, an employee may now take a leave to assist their child or other dependant who experiences or is exposed to interpersonal violence.

The Emergency Measures Amendment Act, S.M. 2020, c. 6 (Bill 54, 2nd Session, 42nd Legislature)

Royal Assent: April 15, 2020

Summary: This Act amends *The Emergency Measures Act*. Currently, only the minister or a local authority may make emergency orders to prevent or limit loss of life and damage to property and the environment. This Act gives the Lieutenant Governor in Council the power to make three types of orders when a state of emergency is declared.

Emergency Orders

The Lieutenant Governor in Council may make orders to alleviate the harm or damage from an emergency or disaster or to effectively respond to such an event. The order must be considered necessary and essential to prevent or limit serious harm or substantial damage to people or property or the effects of economic or fiscal disruption, as well as be a reasonable alternative to any other measures.

If a facility, such as an emergency shelter, is authorized to be built under an order, a local authority's by-law that would otherwise be applicable does not apply.

An emergency order made by the Lieutenant Governor in Council may be disallowed by the Assembly, in which case the order is revoked.

The Lieutenant Governor in Council's power to make these emergency orders is repealed one year after the Act comes into force.

Temporary Suspension Orders

The Lieutenant Governor in Council may temporarily suspend the operation of certain types of provisions in a statute, regulation or by-law if victims of an emergency or disaster or other affected persons need greater services, programs, benefits or compensation than the law provides or may be prejudiced by the law's operation during a declared emergency. The order must be considered necessary to help people affected by an emergency or disaster. The order may be made only if the Attorney General recommends it.

An order may be effective during a state of emergency or for a specified number of days or for any time period set out in the order. It may be renewed.

Reporting Deadline Variation Order

The Lieutenant Governor in Council may also make orders varying the deadline or time period within which the government or a government agency is obligated to file or submit a report or information.

The Speaker of the Assembly may vary a deadline or time period for the submission of a report or information by an independent officer or members of the Assembly.

Other Features of the Orders

Each type of order may apply retroactively to the declaration of the state of emergency and must be published. An order cannot be in effect for more than six months.

In the case of a conflict with another legislative or legal instrument, the order prevails.

An order cannot be made in relation to a response to a request under *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act*.

Enforcement Officers

The Lieutenant Governor in Council may designate, by regulation, persons who can enforce orders made under *The Emergency Measures Act*.

Penalties

The penalties under *The Emergency Measures Act* are increased, for individuals, to a maximum of \$50,000 or one year imprisonment, or both, and, for corporations, to a maximum of \$1,000,000. The penalty for a breach of an evacuation order is increased to \$500,000.

The Employment Standards Code Amendment Act, S.M. 2020, c. 7 (Bill 55, 2nd Session, 42nd Legislature)

Royal Assent: April 15, 2020

Summary: This Act amends *The Employment Standards Code* to add a temporary job-protected leave for employees who are unable to work due to circumstances related to the COVID-19 pandemic.

The requirement for an employee to provide a certificate from a health professional in respect of a leave provided for in the *Code* is also temporarily suspended.

The Family Maintenance Amendment Act, S.M. 2020, c. 8 (Bill 56, 2nd Session, 42nd Legislature)

Royal Assent: April 15, 2020

Summary: This Act amends *The Family Maintenance Act*. It enables maintenance enforcement officials to make more frequent inquiries to determine if a maintenance obligation for an adult child remains eligible for enforcement. In addition, when a request is made for an administrative suspension of a maintenance order, each party is entitled to a copy of material submitted by the other party, with any sensitive information deleted.

The Regulated Health Professions Amendment Act, S.M. 2020, c. 9 (Bill 57, 2nd Session, 42nd Legislature)

Royal Assent: April 15, 2020

Summary: This Act amends *The Regulated Health Professions Act* to allow a regulated health profession college to re-register former members, without complying with the usual registration requirements, if the minister notifies the college that a threat to public health exists and their assistance is required.

The Residential Tenancies Amendment Act, S.M. 2020, c. 10 (Bill 58, 2nd Session, 42nd Legislature)

Royal Assent: April 15, 2020

Summary: This Act amends *The Residential Tenancies Act*.

- Rent is frozen at the amount payable immediately before April 1, 2020.
- Evictions are limited to specific circumstances that infringe, interfere with or adversely affect the security, safety, health or well-being of other tenants, such as engaging in unlawful activity. This amendment is effective as of March 24, 2020.
- Late fees for failure to pay rent are prohibited.

The amendments remain in effect until they are repealed by proclamation.

The Public Health Amendment Act, S.M. 2020, c. 11 (Bill 59, 2nd Session, 42nd Legislature)

Royal Assent: April 15, 2020

Summary: This Act amends *The Public Health Act*. New prohibitions or requirements can be made in a public health emergency order to prevent the spread of a communicable disease. Measures to assist in the enforcement of public health emergency orders are added. The fines for failing to comply with public health emergency orders are increased.

Additional persons may be authorized by regulation to enforce the Act and orders made under it. Orders made under the Act are not subject to *The Statutes and Regulations Act*. Orders directed to the public at large may be published on a government website.

*Jana is starting her 3rd year of law school at the University of Ottawa and is the returning MBA summer student for 2020. Jana is planning to return to Winnipeg to article and to later start her law career. Thank you to Manitoba Justice – Legislative Counsel for reviewing the article.