

Manitoba Government

**Regulatory Accountability Report
2021/22**

Regulatory Accountability Secretariat

September 2022

Manitoba Government
Regulatory Accountability Report 2021/22

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Land Acknowledgement

We recognize that Manitoba is on the Treaty Territories and ancestral lands of the Anishinaabeg, Anishinewuk, Dakota Oyate, Denesuline and Nehethowuk peoples.

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.

Reconnaissance du territoire

Nous reconnaissons que le Manitoba se trouve sur les territoires visés par un traité et sur les terres ancestrales des peuples anishinaabeg, anishinewuk, dakota oyate, denesuline et nehethowuk.

Nous reconnaissons que le Manitoba se situe sur le territoire des Métis de la rivière Rouge.

Nous reconnaissons que le nord du Manitoba comprend des terres qui étaient et sont toujours les terres ancestrales des Inuits.

Nous respectons l'esprit et l'objectif des traités et de la conclusion de ces derniers. Nous restons déterminés à travailler en partenariat avec les Premières Nations, les Inuits et les Métis dans un esprit de vérité, de réconciliation et de collaboration.



**ATTORNEY GENERAL
MINISTER OF JUSTICE**

Room 104
Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

Her Honour, The Honourable Janice C. Filmon, C.M., O.M.
Lieutenant Governor of Manitoba
Room 236 Legislative Building
Winnipeg MB R3C 0V8

May It Please Your Honour:

I have the privilege of presenting, for the information of Your Honour, the Regulatory Accountability Report for the fiscal year ended March 31, 2022.

Respectively submitted,

Original signed by

Honourable Kelvin Goertzen
Minister of Justice





**PROCUREUR GÉNÉRAL
MINISTRE DE LA JUSTICE**

Palais législatif
bureau 104
Winnipeg, Manitoba, CANADA
R3C 0V8

Son Honneur l'honorable Janice C. Filmon, C.M., O.M.
Lieutenant-gouverneure du Manitoba
Palais législatif, bureau 235
Winnipeg (Manitoba) R3C 0V8

Madame la Lieutenant-Gouverneure,

J'ai l'honneur de vous présenter, à titre d'information, le Rapport sur la responsabilisation en matière de réglementation pour l'exercice qui s'est terminé le 31 mars 2022.

Le tout respectueusement soumis,

Le ministre de la Justice

« Original signé par »

Kelvin Goertzen





Room 42, Legislative Building
Winnipeg, MB R3C 0V8
www.manitoba.ca

The Honourable Kelvin Goertzen
Minister of Justice
Room 104, Legislative Building
Winnipeg, MB R3C 0V8

Dear Minister Goertzen:

I am pleased to present the Regulatory Accountability Report for the fiscal year ended March 31, 2022.

The report shows the progress made in advancing regulatory accountability across the Manitoba government including the total number of regulatory requirements at the end of 2021/22 and prior fiscal years, and the net change in the total number of regulatory requirements during 2021/22.

The report also explains the method used to determine the number of regulatory requirements, and provides an assessment of other regulatory accountability initiatives and activities throughout the fiscal year.

We continue to work strategically to enhance access to regulatory information, increase opportunities for public and stakeholder engagement in the development of regulatory requirements and enhance regulatory accountability for the benefit of all Manitobans.

Respectfully submitted,

Original Signed By

Elliot Sims

Associate Clerk of Executive Council, Legislative and Regulatory Affairs
Secretary to the Statutes and Regulations Review Board





Room 42, Legislative Building
Winnipeg, MB R3C 0V8
www.manitoba.ca

Monsieur Kelvin Goertzen
Ministre de la Justice
Palais législatif, bureau 104
Winnipeg (Manitoba) R3C 0V8

Monsieur,

J'ai le plaisir de vous présenter le Rapport sur la responsabilisation en matière de réglementation pour l'exercice qui s'est terminé le 31 mars 2022.

Le rapport montre les progrès réalisés à l'échelle du gouvernement du Manitoba relativement à la responsabilisation en matière de réglementation et indique le nombre total d'obligations administratives à la fin de l'exercice 2021-2022 et des exercices précédents, et la variation nette de ce nombre au cours de l'exercice 2021-2022.

Le rapport explique aussi la méthode utilisée pour déterminer le nombre d'obligations administratives et présente une évaluation des autres initiatives et activités de responsabilisation en matière de réglementation entreprises tout au long de l'exercice.

Nous continuons à travailler de façon stratégique pour améliorer l'accès à l'information réglementaire, accroître les possibilités de participation du public et des intéressés à l'élaboration des obligations administratives et renforcer la responsabilité en matière de réglementation au profit de tous les Manitobains.

Le tout respectueusement soumis,

Le greffier adjoint du Conseil exécutif, Affaires législatives et réglementaires
et secrétaire de la Commission d'examen des textes législatifs et
réglementaires

« Original signé par »

Elliot Sims



Principles of Regulatory Accountability¹

Manitoba's *Regulatory Accountability Act* defines seven principles to guide and provide a foundation upon which effective, consistent, impartial and transparent regulatory accountability is based:

- Achieving balance – The contribution of regulatory requirements to desired public policy outcomes must be weighed against the costs and burdens they impose upon the economy and society
- Identifying the best option – Public policy needs must be clearly defined and the best response must be chosen, based on a thorough exploration and analysis of the range of options (including those that do not result in regulatory requirements)
- Assessing impacts on the public and stakeholders – This is essential to comparing options and minimizing burdens
- Consulting and communicating with the public and stakeholders – This is crucial, giving them a voice and input into the development of regulatory requirements
- Regulatory requirements are to be regularly reviewed – This is to determine their continued relevance or effectiveness vis-à-vis desired public policy objectives, and whether the benefits continue to justify the regulatory costs and burdens
- Monitoring regulatory requirements – This requires accurate measurements of their number and their costs and burdens
- Streamlining design – Duplication and inconsistencies are eliminated between regulatory requirements

¹ The principles of regulatory accountability are described in *The Regulatory Accountability Act* (C.C.S.M. c. R65).

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Regulatory Accountability Report 2021/22

Summary

Promoting effective and efficient regulatory requirements helps businesses grow, allows nonprofit organizations to enhance services for their clients, and ensures families safely and securely share in the benefits of a stronger economy and more prosperous society.

During fiscal year 2021/22, departments and government agencies introduced 1,679 new regulatory requirements to help improve services and outcomes for Manitobans. Over the same time period, departments and government agencies removed 7,494 regulatory requirements that were not achieving their desired outcomes. As a result of these actions, the Manitoba government experienced a net overall reduction of 5,815 (-0.7%) regulatory requirements in 2021/22. Since the baseline count on April 1, 2016, there has been a reduction of 97,202 regulatory requirements (-10.3%).

Sommaire

La promotion d'obligations administratives efficaces et efficaces favorise la croissance des entreprises, permet aux organismes sans but lucratif d'améliorer les services offerts à leurs clients et garantit que les familles partagent en toute sécurité les avantages d'une économie plus forte et d'une société plus prospère.

Au cours de l'exercice 2021-2022, les ministères et les organismes gouvernementaux ont introduit 1 679 nouvelles obligations administratives pour aider à améliorer les services et les résultats pour les Manitobains. Au cours de la même période, les ministères et les organismes gouvernementaux ont supprimé 7 494 obligations administratives qui ne permettaient pas d'atteindre les résultats escomptés. Grâce à ces mesures, le gouvernement du Manitoba a réduit de 5 815 (-0,7 %) le nombre de ses obligations administratives en 2021-2022. Depuis la date de référence du 1^{er} avril 2016, le nombre d'obligations administratives a été réduit de 97 202 (-10,3 %).

Regulatory Accountability in Action

Regulatory accountability is about having sound and modern regulatory requirements that efficiently and effectively achieve essential health and safety, economic, environmental and social outcomes.

A regulatory requirement is an action or piece of information that is required to access provincial programs or services, carry on business, or meet legal responsibilities under provincial statute, regulation, policy or form

Regulatory accountability occurs when regulatory requirements achieve desired public policy outcomes efficiently and effectively

Red tape results when regulatory requirements are not achieving their desired outcomes or do so in an inefficient manner.

Reducing red tape means eliminating unnecessary regulatory requirements and the burdens they impose on stakeholders and government, thereby helping individuals, nonprofit organizations, local governments and businesses to build a more sustainable, resilient and prosperous future

In addition to strengthening the provincial economy and society as a whole, promoting regulatory accountability and reducing ineffective regulatory requirements improves services for Manitobans while decreasing costs for stakeholders and government.

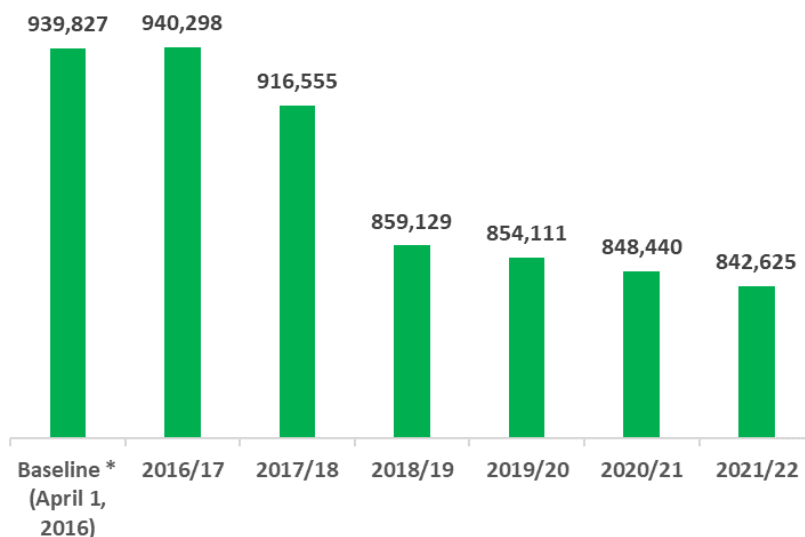
Outcomes

Changes in Provincial Regulatory Requirements

During 2021/22, departments and government agencies created 1,679 new regulatory requirements and eliminated 7,494 regulatory requirements, resulting in a net overall reduction of 5,815 (-0.7%).

Since the April 1, 2016 baseline count, regulatory requirements have been reduced on a cumulative basis from 939,827 to 842,625, which is a reduction of 97,202 regulatory requirements, or -10.3% (see Chart 1).

Chart 1 – Regulatory Requirements by Fiscal Year



* The chart reflects adjustments that were made in 2021/22 for corrections that were made to the baseline that carried forward to subsequent fiscal years

Improved Access to Government Services

During the past two fiscal years, the need to respond to challenges arising from the COVID-19 pandemic required timely adoption of innovative and effective regulatory processes, such as accepting e-signatures and electronic documents, permitting virtual meetings instead of requiring in-person meetings, and allowing remote witnessing of documents.

The need to respond to the pandemic accelerated the streamlining and modernization of regulatory requirements to improve access to government services. Lessons were learned in how meetings and documents can be better managed through technology, with implications for improved regulatory requirements going forward

Modern Tools and Technologies

In the Manitoba government, modernized processes are used for developing statutes, regulations, policies and forms across the Manitoba government. These processes incorporate new tools and technologies, and engage stakeholders and the public to promote openness, trust and transparency in policy and regulatory development. They also enable departments and government agencies to better monitor, manage, streamline and reduce regulatory requirements, taking into account the purpose, usefulness and effectiveness of the regulatory requirements.

- The Regulatory Accountability Database that is used by all departments and government agencies is a comprehensive central information and workflow management system to create, modify, remove, track and report on regulatory requirements. It is used to manage regulatory projects for the creation and modification of forms, policies, regulations and statutes across the Manitoba government.
- The Manitoba Forms and Policies Portal provides a single online location to make government forms and policies accessible to the public. The Portal complements the Manitoba Laws website, which provides a comprehensive listing of Manitoba statutes and regulations.
- Manitoba's Regulatory Accountability Impact Analysis tool is integrated with the Regulatory Accountability Database and is used to assess the estimated benefits and costs to the public and stakeholders that result from regulatory requirements, which aids in evidence-based policy development.
- The annual *Reducing Red Tape and Improving Services Act* promotes regulatory accountability by making it easier for departments and government agencies to enact minor changes to statutes for the purposes of improving services or reducing red tape.
- The Manitoba Regulatory Consultation Portal provides an online platform for departments and government agencies to post proposed regulations that contain regulatory requirements for a 45 day period of public input. Comments submitted by the public and stakeholders are then incorporated into the regulatory development process by departments and government agencies.

Interprovincial Regulatory Accountability

Manitoba is among those who are leading efforts to remove interprovincial/territorial trade barriers through its active participation on the federal-provincial-territorial Regulatory Reconciliation and Cooperation Table (RCT). Manitoba is working with other federal, provincial and territorial governments in addressing unnecessary and burdensome barriers that hinder interprovincial/territorial trade and labour mobility to the detriment of businesses, consumers and the general public.

Through the RCT, Manitoba has participated in the negotiation of ten regulatory reconciliation agreements:

- *Occupational Health and Safety (Fall Protection)*
- *Occupational Health and Safety (First Aid Kits and Training; Hearing Protection; Personal Flotation Devices; Head, Foot and Eye Protection)*
- *Construction Codes*
- *Corporate Registries and Reporting*
- *Energy Efficiency Requirements for Household Appliances*

- *Upholstered and Stuffed Articles*
- *Mutual Recognition of Canadian Registration Numbers for Pressure Equipment Design Reviews*
- *Weight Allowances for Wide Based Single Tires*
- *Organic Labelling for Aquaculture Products*
- *Inspection Requirements for Produce*

In addition, Manitoba is working with other jurisdictions to ensure that regulatory cooperation is undertaken in emerging policy areas such as mandatory entry-level training for truck drivers.

Manitoba also participates in:

- the New West Partnership Trade Agreement, which involves Canada's four western provinces, which works to address unnecessary regulatory differences in order to enhance trade, investment and labour mobility
- the Standards Council of Canada's Provincial-Territorial Advisory Committee, which Manitoba chaired during 2021/22, that advises and makes recommendations regarding standardization issues from the perspective of provincial and territorial governments, and leads activities that support regulatory accountability and cooperation through the use and promotion of common standards
- forums such as the federal-provincial-territorial Committee on Regulatory Governance and Reform, where regulatory issues are discussed and information is shared about good regulatory practices

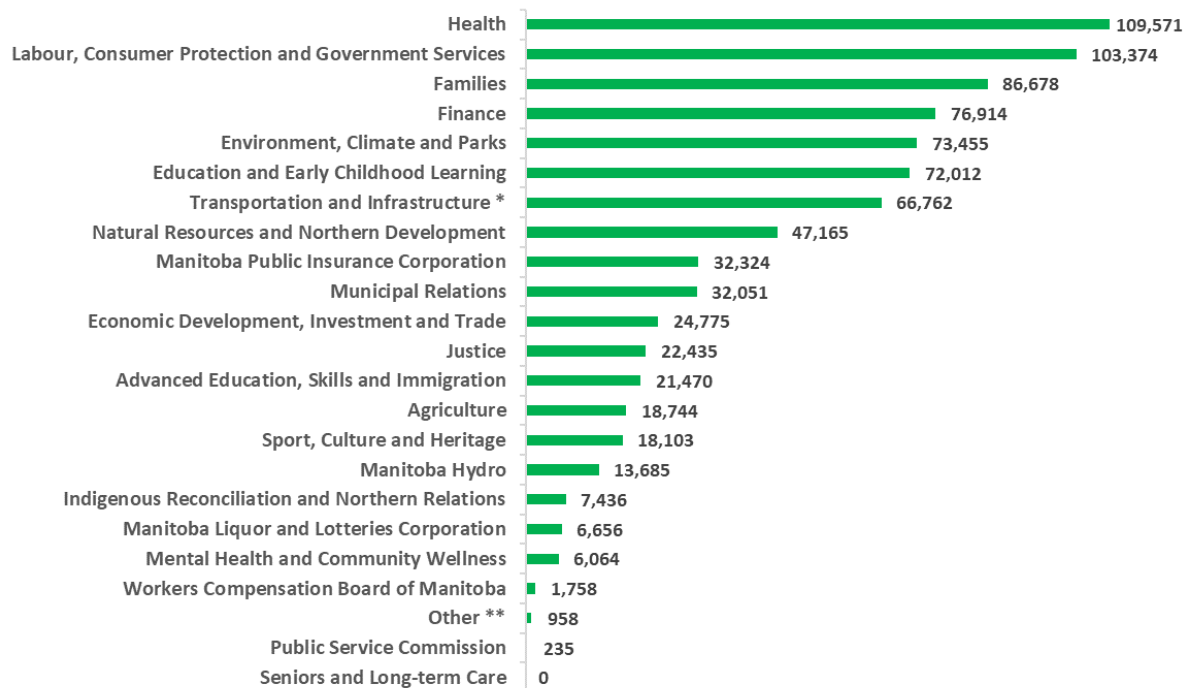
Statistical Results – Departments and Government Agencies

Inventory of Regulatory Requirements

Chart 2 shows the total number of regulatory requirements by Manitoba government departments and agencies as of March 31, 2022.

Departments and government agencies vary in terms of their number of regulatory requirements. Those with the largest number of regulatory requirements are Health (109,571), Labour, Consumer Protection and Government Services (103,374), Families (86,678) and Finance (76,914).

Chart 2 – Regulatory Requirements by Department and Government Agency as of March 31, 2022



* Reflects an April 1, 2016 baseline adjustment of -22,585 regulatory requirements

** 'Other' includes regulatory requirements that are not assigned to a department or government agency

Changes in Regulatory Requirements

Table 1 shows the net and percentage change in regulatory requirements in 2021/22, by Manitoba departments and government agencies.

Table 1 – Changes in Regulatory Requirements by Department and Government Agency during 2021/22

Department and Government Agency	Net Change *	Percentage Change **
	April 1, 2021 - March 31, 2022	
Advanced Education, Skills and Immigration	-210	-1.29%
Agriculture	-2,248	-3.17%
Economic Development, Investment and Trade	-39	-0.13%
Education and Early Childhood Learning	-12	-0.02%
Environment, Climate and Parks	0	0.00%
Families	-1,786	-1.89%
Finance	-537	-0.32%
Health	-209	-0.18%
Indigenous Reconciliation and Northern Relations	3	0.04%
Justice	74	0.34%
Labour, Consumer Protection and Government Services	-19	-0.57%
Manitoba Hydro	-65	-0.47%
Manitoba Liquor and Lotteries Corporation	-291	-4.19%
Manitoba Public Insurance Corporation	-449	-1.38%
Mental Health and Community Wellness	0	0.00%
Municipal Relations	13	0.03%
Natural Resources and Northern Development	0	0.00%
Public Service Commission	0	0.00%
Seniors and Long-term Care	0	0.00%
Sport, Culture and Heritage	-46	-0.21%
Transportation and Infrastructure	6	0.01%
Workers Compensation Board of Manitoba	0	0.00%
Other ***	0	0.00%
Total	-5,815	-0.69%

* Net change is calculated by combining new and eliminated regulatory requirements (excluding transfers)

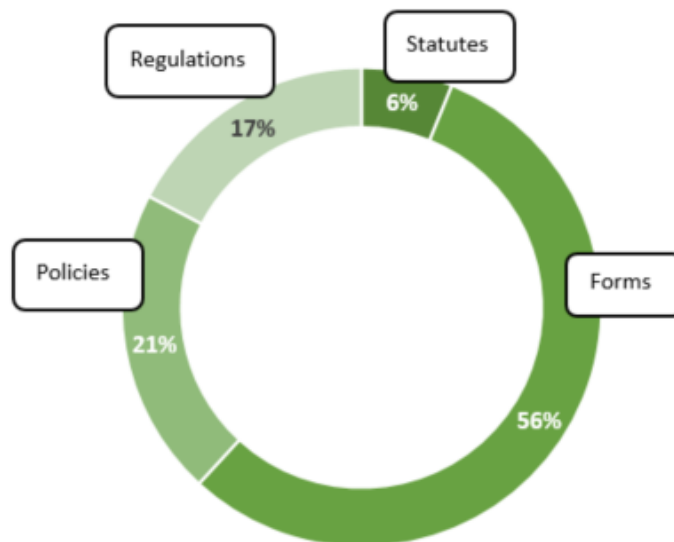
** Percentage change is calculated by dividing the net change by the number of regulatory requirements as of April 1, 2021

*** 'Other' includes regulatory requirements that are not assigned to a department or government agency

Sources of Regulatory Requirements

Chart 3 shows the share of regulatory requirements by type of regulatory instrument across departments and government agencies. As was the case in previous reporting years, the largest share of regulatory requirements is found in forms (56%) and policies (21%), followed by regulations (17%) and statutes (6%).

**Chart 3 – Share of Regulatory Requirements by Instrument Type
as of March 31, 2022**

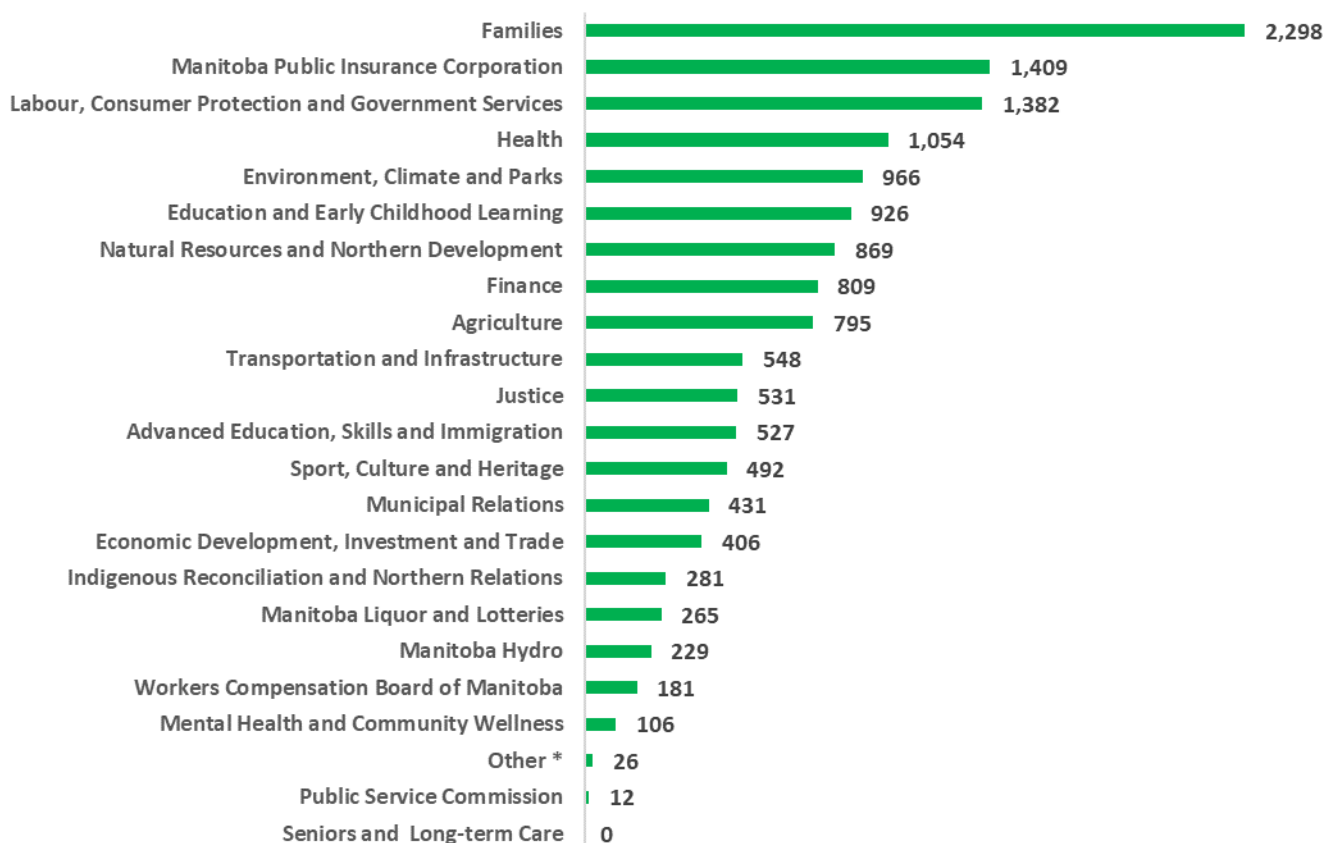


Regulatory Instruments by Department and Government Agency

Chart 4 shows the total number of regulatory instruments, including statutes, regulations, policies and forms, by department and government agency as of March 31, 2022.

During the fiscal year, regulatory instruments and their regulatory requirements were transferred between departments and government agencies as a result of government reorganization. For further details, see Annex B – Transfers of Regulatory Requirements during 2021/22.

Chart 4 – Regulatory Instruments by Department and Government Agency as of March 31, 2022



* 'Other' includes regulatory instruments that are not assigned to a department or government agency

Moving Forward

Regulatory accountability initiatives will continue to support a prosperous future for Manitobans by:

- modifying existing regulatory requirements to be more efficient and effective, which will lessen the administrative burden on stakeholders as well as costs to government
- developing new regulatory requirements where needed to address new legislative and regulatory priorities
- removing unnecessary, obsolete and redundant regulatory requirements.

These changes will help Manitoba continue its recovery from the COVID-19 pandemic, and provide the means to improve services for Manitobans and make it easier to carry out business and investment in the province.

Manitoba departments and government agencies will continue to actively review what can be learned from their experiences in policy and regulatory responses to the pandemic and modernize regulatory tools and approaches to improve health, social and economic outcomes for Manitobans.

Effort will be made to increase opportunities for the public and stakeholders to provide input on new regulatory requirements, through further leveraging the EngageMB platform and the Manitoba Regulatory Consultation Portal.

Manitoba will work with other provinces and territories to reduce regulatory barriers that impede interprovincial business, capital investment and labour mobility.

A legislated five-year review of *The Regulatory Accountability Act* will be undertaken in 2022, which will provide an opportunity to take stock of progress, and consider where improvements can be made to benefit the public, stakeholders and government.

Annex A – Regulatory Requirement Accounting Method

As a result of reorganizations, departments and government agencies may be created or eliminated, and divisions and programs may move from one department or agency to another. These changes often result in departments and agencies realizing an increase or decrease in regulatory requirements through transfers of regulatory responsibility for specific statutes, regulations, policies and forms. These transfers do not change the total government-wide number of existing regulatory requirements; however, they do impact the number of instruments and regulatory requirements within individual departments and government agencies.

The method of accounting for regulatory requirements was updated in 2020/21 to accurately account for transfers and changes in the number of regulatory requirements resulting from regulatory activities. In calculating the net and percentage changes in regulatory requirements by department and government agency as shown in the report, the transfers of regulatory requirements between departments and government agencies are excluded, thereby allowing net and percentage changes to be accurately reported.

Many regulatory systems rely on regulatory requirements that are inter-connected within statutes, regulations, policies and forms. As a result, changes to these systems may take place over several years and must be reviewed in whole to determine the impact on Manitoba individuals, businesses, nonprofit organizations and local governments.

In 2021/22, there were a number of projects initiated to modernize broad regulatory systems. Changes to regulatory requirements associated with these projects will be registered in the fiscal year that the regulatory projects are completed.

Annex B – Transfers of Regulatory Requirements between Departments and Government Agencies during 2021/22

The following table shows transfers of regulatory requirements between government agencies and departments due to reorganizations and reassignment of statute and program responsibilities.

Department and Government Agency	Transferred In	Transferred Out
Advanced Education, Skills and Immigration	5,456	52
Agriculture	8	49,888
Crown Services	0	110
Economic Development, Investment and Trade	937	6,158
Education and Early Childhood Learning	10,303	98
Environment, Climate and Parks	2,619	925
Families	4,369	10,171
Finance	136	89,161
Health	0	5,697
Indigenous Reconciliation and Northern Relations	0	0
Justice	510	78
Labour, Consumer Protection and Government Services	100,101	54
Legislative and Public Affairs	0	111
Manitoba Hydro	670	766
Manitoba Liquor and Lotteries Corporation	0	0
Manitoba Public Insurance Corporation	180	6
Mental Health and Community Wellness	5,639	0
Municipal Relations	5	12,367
Natural Resources and Northern Development	48,613	1,448
Public Service Commission	235	0
Seniors and Long-term Care	0	0
Sport, Culture and Heritage	201	4,399
Transportation and Infrastructure	867	41
Workers Compensation Board of Manitoba	0	0
Other *	724	43
Total	181,573	181,573

* 'Other' includes regulatory requirements that are not assigned to a department or government agency

Regulatory Accountability Secretariat

Email: RAS@gov.mb.ca

The Regulatory Accountability Secretariat provides analytical and decision-making support to the Statutes and Regulations Review Board, which is the Cabinet committee responsible for overseeing and coordinating the proposed legislative and regulatory initiatives of the Manitoba government.

The Secretariat works with all Manitoba government departments and agencies to facilitate the monitoring and analysis of regulatory requirements to ensure their desired policy outcomes are achieved with the least impact possible on individuals, local governments, nonprofit organizations and businesses.