

EVENING SITTING

COMMITTEE OF FINANCE

General Revenue Fund  
Saskatchewan Water Corporation  
Vote 50

Subvote (SW01)

**Mr. D'Autremont:** — Thank you, Mr. Chairman. I think I had done a bit of a rant, but I'll carry on.

Mr. Minister, when it comes to the Lake Diefenbaker potato company — and you outlined the various principals that are involved in that, four of them — what kind of investments do they have? What is the equity position of the Lake Diefenbaker Potato Corporation?

**Hon. Mr. Sonntag:** — Yes. They're a private company or corporation, if you will. We provided the names of the shareholders as best we know them. But in terms of the extent of the level of investment by each one of them, we don't have access to that.

**Mr. D'Autremont:** — Well, Mr. Minister, we have security there. Now what place in the entire scheme of security is the Saskatchewan security, the Sask Water security? Are we secured in the first place, or are we subject to some securities by other creditors? Where do we rank in the case of necessity to recover some of this security?

**Hon. Mr. Sonntag:** — Okay. First of all, we have two forms of security. The first is we're secured against the buildings, and then secondly we have a third priority on all . . . on general assets, I should say.

**Mr. D'Autremont:** — So we have first security on the buildings. How about on the land? Are we in third position on the land, or are we in first position on the land because of the mortgage situation, and then we're in third position on all other potential assets. If that's the case, who holds first security on the other assets and second security on the other assets?

**Hon. Mr. Sonntag:** — You know, if I've got your question accurately, first of all the building and the land are considered as one unit; they're not separate at all. The Farm Credit Corporation and the Royal, to the best of our knowledge, have what is called a pari passu agreement that splits up the asset's proceeds if dissolution were to take place; that's how it's laid out.

**Mr. Hillson:** — Thank you, Mr. Chairman. In regards to the SPUDCO (Saskatchewan Potato Utility Development Company) operation in Lucky Lake, I understand the initial intention was that that operation would be producing white seed potatoes for the export market and that it has since gotten involved in the domestic food market. But could you confirm that the initial intention of SPUDCO was that it would be producing white seed potatoes for export?

**Hon. Mr. Sonntag:** — First of all I would want to say that

there was, as you are probably aware, some substantial investment in infrastructure in that area already, and I'm talking about irrigation infrastructure that was largely grown in the 1980s under the last government — I'm not being critical of them, I'm just saying it was there.

The intent of Sask Water through its SPUDCO division was to find some crop other than canola or a wheat that certainly are of nowhere near the value that potatoes are.

The intent of SPUDCO at the time was, as you've described, to develop the seed potato industry — and really still continues to be our objective, that is the development of the seed potato industry.

**Mr. Hillson:** — Thank you, Mr. Minister. My understanding is that after having been initially established to get into the white seed potato export market, it instead has gotten into the red domestic food market and that that's the problem we have now with of course the glut of potatoes and the catastrophic drop in potato prices.

**Hon. Mr. Sonntag:** — Just in response to the member, I think largely you're confusing the operation between the objectives of SPUDCO and Lake Diefenbaker Potato Corporation. As I said, SPUDCO's objectives are the development of the potato seed industry, and they were and still are. What Lake Diefenbaker Potato Corporation's market plans are is for them . . . it's their decision to make, and I believe you're confusing the two of them.

**Mr. Hillson:** — Well I guess I have to ask. Is SPUDCO in fact involved in the red domestic food market, today? Is that their production? Are they selling into the red domestic food market?

**Hon. Mr. Sonntag:** — Mr. Chair, to the member, all of our crop production and all of our crop sharing arrangements with local producers are solely for the production of seed potatoes. But as an example where the seed is grown too large, they obviously would use some of those for fresh pack. But that is not the objective in any of the arrangements that we have with any of the growers. They're just simply the residual potatoes, if any of those are used for fresh pack.

**Mr. Hillson:** — I guess though, Mr. Chairman, whether residual or not, is it this red domestic food production that has caused the catastrophic drop in potato prices, which now means that potato producers are getting 2 cents a pound, and they're not able to continue at this 2 cents a pound. What we want to know is, has taxpayers' money been used to compete against potato producers? Is taxpayers' money being used to drive potato producers out of the industry?

**Hon. Mr. Sonntag:** — I want to point out to the member that in all of Saskatchewan . . . Saskatchewan's production represents 1 per cent of all the potato production in western North America. That's all of Saskatchewan's potato production. Now SPUDCO would represent probably one-tenth of 1 per cent. We've just done some quick calculations here. So to suggest that SPUDCO has any significant influence on the world price of potatoes is I don't think a logical conclusion.

**Mr. Hillson:** — With all due respect, Mr. Chairman, I don't think the minister is answering the question. Is Lake Diefenbaker, is SPUDCO selling into the domestic, and I mean local Saskatchewan red food market?

Now I'm being called by local producers, including Hutterite colonies, who have a very limited market. Their market is driving into the city of Saskatoon and it hardly pays for them to use up the gas to go into Saskatoon. Their market is extremely localized. And in Saskatoon they're selling northern Saskatchewan potatoes. Of course in Regina they're selling Craven potatoes.

So to talk about 1 per cent of the western North American market . . . They're not competing with Seattle; they're not competing with San Francisco; they're not competing with Los Angeles or Vancouver. We're talking about the Saskatoon market which is a very localized market that can be flooded very easily. And what I've been told is that taxpayer-subsidized ventures are flooding the Saskatoon market which has in fact made it uneconomic for other producers such as private producers and Hutterite colonies to continue in potato production.

(1915)

**Hon. Mr. Sonntag:** — One of your questions referenced the Lake Diefenbaker Potato Corporation and where they've sold their potatoes. Again I can't comment on a private company or corporation. What they do with and how they market potatoes is entirely up to them.

With respect to SPUDCO, we sold . . . Roughly 2 per cent of the total amount of potatoes sold, as far as we're aware, went into the fresh pack market so far. So it represents a very, very small amount.

**Mr. Hillson:** — Well can the minister tell us how many pounds were sold into the Saskatoon market, which is the market we're talking about. I say, I don't care how many potatoes were sold in Seattle or Los Angeles. How many pounds were sold into the Saskatoon market, into the local domestic Saskatchewan market?

I think where we're mixing apples and oranges here is you're talking about the total western North American market which is talking about 150 million people. But we're talking about a very localized market in northern Saskatchewan that can be flooded very easily.

**Hon. Mr. Sonntag:** — To the best of our knowledge, specifically the answer to your question is none of the potatoes are sold into the Saskatoon market. The 2 per cent that I alluded to earlier, as far as we know, all went into the Alberta market.

**Mr. Hillson:** — Well, Mr. Chairman, can the minister confirm that Saskatchewan taxpayer dollars are not being used to compete against Saskatchewan potato producers, that's driving Saskatchewan potato producers out of business?

**Hon. Mr. Sonntag:** — Yes.

**Mr. Hillson:** — Then, Mr. Chairman, can the minister then tell

us to what he and his officials attribute the drop in potato prices to 2 cents a pound in this province, in the localized market, as opposed to the rest of the common.

**Hon. Mr. Sonntag:** — I think, again, I'd want to repeat the fact that prices are down throughout western North America and this certainly isn't a localized issue. And I think, again, in reference to the amount of potatoes that SPUDCO is involved in producing, to suggest that they have any impact on the world market prices or western North American prices, is quite a stretch.

**Mr. Hillson:** — Mr. Chairman, I'm sure the minister can understand that at 2 cents a pound we are driving potato producers out of the industry. And I would ask if there is any plan on the part of the department to try and level the playing field, to try and get potato producers through this crisis so that potato production in the province can be secured. Or is the plan to drive out the private potato producers so that these corporations we've been discussing will be the only ones producing potatoes in Saskatchewan?

**Hon. Mr. Sonntag:** — Absolutely not. It isn't our intent to drive anyone out of the industry at all. As I said earlier, we've . . . the infrastructure is there in Saskatchewan; we have all of the irrigation infrastructure in place. A lot of the area out in the Lake Diefenbaker area, Outlook area, is prime location for growing potatoes — it grows good potatoes. And it certainly is our intent to ensure that the potato industry continues growing in Saskatchewan.

**Mr. D'Autremont:** — Thank you, Mr. Chairman. I have one last question dealing with SPUDCO. Is Mark Langefeld an officer of the Lake Diefenbaker corporation or is he involved in any way, shape, or form with it?

**Hon. Mr. Sonntag:** — As far as we know he is, yes.

**Mr. D'Autremont:** — What role does he play in the corporation?

**Hon. Mr. Sonntag:** — Again, to the best of our knowledge he was hired by their board of directors as their chief executive officer.

**Mr. D'Autremont:** — Does he remain in that position at the present time or has there been any changes? And has there been any changes in the SPUDCO board in the last year?

**Hon. Mr. Sonntag:** — First of all with respect to your question with respect to SPUDCO, SPUDCO is a division of Sask Water and it doesn't have a board. And to the best of our knowledge, Mr. Langefeld is still there, but we're not . . . again we're not the one that hires or dismisses him if the case be. He's hired by the board and by the Lake Diefenbaker Potato Corporation as far as we know.

**Mr. D'Autremont:** — Does your department or SPUDCO have any directors on the Lake Diefenbaker board?

**Hon. Mr. Sonntag:** — No.

**Mr. Krawetz:** — Thank you very much, Mr. Chair. Mr.

Minister, an issue that has been one of great concern to a lot of taxpayers in east-central Saskatchewan is of course the moratorium that was put on drainage with the Assiniboine, the Upper Assiniboine basin study. And that's been in place I think for the last two and a half years. I think we're in the final year of that study.

Could you indicate where that study is in terms of the relationship between your department and that of Manitoba and the kind of study that has been worked on? What recommendations do you see coming forward?

**Hon. Mr. Sonntag:** — First of all, as the different levels of government are trying to compile a report, it would be inappropriate I think for me to speculate on what the recommendations would be.

I would say this though, that . . . First of all, one other thing I wanted to add. You had alluded to in your question that the Saskatchewan government and the Manitoba government were working together. I need to add as well that the Canadian government as well is involved in this process.

And I thought that it might be just as simple as just to read for you . . . The technical committees — there's six committees, by the way, in Saskatchewan — are proceeding with their work plans and expect to present the results of their work to the local watershed committees in May and June of this year. Work will then focus on developing water management objectives and strategies for the watershed. This will involve working with local watershed committees in the fall of 1999 — this fall. Public open houses will be held between November of this fall and January 2000 to present the study results and finalize recommendations.

**Mr. Krawetz:** — Thank you very much, Mr. Minister. Connected to that river basin study, of course, is the whole problem with Fishing Lake. And as you've indicated, because of the waters actually travelling across a provincial boundary, we do have the federal government involved, we have the provincial government of Manitoba, we have municipal governments involved — those communities that actually obtain their water sources along that river.

And as you are aware, Mr. Minister, because I've spoken to you about this before, the Fishing Lake project, as it was defined, was to deal with the extremely high levels of water that are currently within the Fishing Lake system. That project was put forward and it was rejected by a number . . . I shouldn't say rejected, I guess. What occurred was a number of communities objected to that project and asked for further study by Sask Water to insure that, indeed, their concerns were being met, rightly so.

Now that we're moving past that, and I know we have a situation in the community of Canora where they are now going to be obtaining their own . . . their supply of water is going to be coming from a different source, which I'm sure Sask Water is aware of as well. We have the ability to deal with that project again.

I understand that the Foam Lake watershed corporation had its meeting last night, in fact, where Sask Water was going to be

making a proposal to that. Can you inform the House and the people of Saskatchewan as to what Sask Water is intending to do with that extremely high level of water at Fishing Lake and how they're going to return the lake to its level of a number of years ago.

And, Mr. Minister, I hope you would appreciate the concerns that have been raised to me regarding, first of all, environmental damage around the lake with the water level being five, six feet higher than what it normally is. There's tremendous damage to the environment. There are a number of homes that were damaged and are still at tremendous risk because the ice has not left the lake. And there is a tremendous fear that if the ice breaks up on a day when there's going to be extremely high winds, there will be a tremendous amount of damage.

The project doesn't require a lot of money. I've heard from a number of people in the area that because of how the environment changes when you have very flat land with water actually seeping from lake to lake. It doesn't take much for willows and different grasses to grow and block the silt that is coming down with the water. As a result, what we've seen is tremendous increase in the water level.

The project that was proposed by Sask Water dealt with a fairly significant project: cutting through lands, getting easements from farmers, and that's been put on hold. Is there an alternative to that that can be done in a fashion that is, of course, much more economical, but also would still achieve the same result that was there five years ago? That water flowed through that system five years ago; today it's not flowing. There must be a problem downstream. Is Sask Water proposing another alternative solution?

(1930)

**Hon. Mr. Sonntag:** — Well I'd like to tell you that we're going to take any surplus water and move it up to northwest Saskatchewan where we really need it, but unfortunately that's not the case.

I want to tell you that discussions and options are still being examined and explored. The watershed association, in discussion with Sask Water, continues to focus on decisions and processes to move a proposal forward. And the proposal would centre around some of the key questions, and that is whether an environmental impact assessment would actually be required. But the earliest anything could happen would be in the year 2000, and that's largely because in the year 2000 the community of Canora will then be getting its water from underground sources, as I understand.

**Mr. Krawetz:** — Mr. Minister, as I've indicated, there's been tremendous amount of damage around the lake to the environment, but also a tremendous amount of damage to cottages where of course there is no flood damage. Cottages that were built in areas that are outside of the so-called flood zone, the high water level, and yet these cottages have attained serious damage. Is Sask Water going to be involved in any type of reimbursement for damages to the cottages? As you work with the Foam Lake watershed corporation, will Sask Water be compensating anyone who has received damage from the high level water?

**Hon. Mr. Sonntag:** — Yes, I'd say while of course we're concerned about the impacts that this has on individuals and we never like to see anybody suffer any losses, Sask Water would not be involved in any compensation as a result of natural causes.

**Mr. D'Autremont:** — Mr. Chairman, with leave to introduce guests.

Leave granted.

### INTRODUCTION OF GUESTS

**Mr. D'Autremont:** — Thank you, Mr. Chairman. To you and through you to members, I would like to introduce a couple of friends and special guests to our Assembly. Seated in the Speaker's Gallery, Mr. Frank Wald who is the Speaker of the House of Representatives for the North Dakota State Legislature, and Mr. Glen Forseth who is a representative from North Dakota state. They're here to observe our proceedings and to meet with us for the next couple of days. And I would ask all members to welcome them here this evening.

**Hon. Members:** Hear, hear!

### COMMITTEE OF FINANCE

#### General Revenue Fund Saskatchewan Water Corporation Vote 50

#### Subvote (SW01)

**Mr. D'Autremont:** — Thank you, Mr. Chairman. It's appropriate that we have a couple of North Dakotans in the gallery to listen to this question because it involves the Souris River.

I have another friend from across the border who will be up here this morning who sent me an e-mail with a couple of questions he wanted asked of Sask Water, and it deals with the flooding along the Souris River.

How much water is being released presently from Boundary, Rafferty, and the Alameda dams? What's the flow going across the international border at the present time?

**Hon. Mr. Sonntag:** — To the member, Mr. Chair, there's currently nothing being released out of the Alameda or the Boundary dams. At the Rafferty, as of yesterday, it was reduced to 40 cubic metres per second but I think your question was specifically as at the border. So we're estimating that it's probably still around 50 cubic metres per second at the border yet.

**Mr. D'Autremont:** — Yes, there seems to be some flooding, Mr. Minister, that's occurring across the border in the US (United States) and we were wondering just . . . and you've answered the question about the amount of water — 40 cubic feet per minute is still a substantial amount of water. Is it possible to reduce that flow at all on the short term and spread it out throughout the summer?

**Hon. Mr. Sonntag:** — As I said, we're releasing at 40 cubic metres per second right now. Next week it's our intent to reduce that to 25 cubic metres per second in an attempt to get it down to full supply level.

**Mr. D'Autremont:** — What kind of contact or continuous contact do you have with the North Dakota officials in relationship to the water and the flooding that may be occurring along the Souris River in North Dakota? Are you in contact with them, monitoring it on a daily basis to determine the impact that the water coming out of the dams in Saskatchewan would have? Or are you on a weekly basis, or what kind of contacts do you have with them?

**Hon. Mr. Sonntag:** — Just in response to the question, we follow the guidelines set out under the Canada-US operating plan as a starting point, but we are always in discussion and consultation with the two groups, that is the Corps of Engineers and the North Dakota State Water Commission. But even after consultation, any changes we would make . . . we would certainly give them advice and notice of any changes in flow that we would make here in Saskatchewan.

**Mr. D'Autremont:** — Well thank you, Mr. Minister. One last question on this. North Dakota has electronic monitoring on the water levels along the Souris. Does Sask Water have access to that information and do you access that information if you do have access to it on a continuous basis?

**Hon. Mr. Sonntag:** — I'm told that we get that information on a real time basis directly off the Internet.

**Mr. McLane:** — Thank you, Mr. Speaker. Mr. Speaker, Mr. Minister, we all know that a couple of years ago your government took two thrusts in agriculture and decided there was two important sectors.

One of course was pigs — hogs — and your government said that the hog industry in Saskatchewan was going to increase and many people followed that, including many private investors. We all know what happened to the hog industry in Saskatchewan and we all know what happened to a lot of private investors.

The second area where you said you were going to have agriculture survive was in potatoes. And your government said that we'll have the thrust, we're going to do it through Sask Water, which many of us at the time asked why Sask Water — what do they know about potatoes, what do they know about farming? But it seemed to be the fact that Sask Water was in the area where the potatoes were going to be grown. That's the Lake Diefenbaker area.

So consequently many investors invested into the potato industry and one of those companies was Lake Diefenbaker Potato Corporation. As you know, Mr. Minister, that the Lake Diefenbaker Potato Corporation is in serious financial trouble. There are many private investors there who have invested money, who've put up land to back their investment, and some of those investments are in serious jeopardy of being lost.

Now as recently as today, Mr. Minister — and I hope that you are aware of it because your cabinet colleague from

Rosetown-Biggar is — is that there were some meetings being held with the creditors, and this is the second or third serious meeting that's taken place in the last short while.

My question to you is: are you aware of those meetings and is your government involved in those meetings and to what extent?

**Hon. Mr. Sonntag:** — The member actually had three questions and the first one was with respect to why Sask Water would be involved in this. I guess largely because . . . I go back to a response I gave to your colleague and that is that there was substantial infrastructure already in the area, from which actually you come, and that is the irrigation infrastructure and logically where other crops weren't worth nearly as much, it was believed that potatoes are an industry that would benefit the area far more than crops such as canola or wheat might.

In respects to your question regarding meetings, yes we are aware that their meetings are taking place. We have, by invitation, we had a representative there and also we had two . . . we had a representative present by the invitation of the two secured creditors as well.

(1945)

**Mr. McLane:** — Minister, you mention you had representatives there. Were the representatives from cabinet or were they from your department?

**Hon. Mr. Sonntag:** — I'm sorry. Could you repeat that question?

**Mr. McLane:** — Were the representatives that you eluded to at these creditor meetings from your department or were they there from your cabinet?

**Hon. Mr. Sonntag:** — From Sask Water.

**Mr. McLane:** — What role would the representatives from Sask Water play at those meetings?

**Hon. Mr. Sonntag:** — Simply as observers.

**Mr. McLane:** — Will those observers be reporting directly back to you?

**Hon. Mr. Sonntag:** — They will be reporting back to our CEO (chief executive officer) Ron Styles, who will make the board of directors aware of anything that he believes that we should . . . any significant decisions that need to be made that he feels the board needs to be aware of.

**Mr. McLane:** — Two questions. Before this evening, before 5 or 10 minutes ago, were you aware that the Lake Diefenbaker Potato Corporation was in financial trouble?

And the second question, before this evening were you aware that you had representatives that were attending creditor meetings?

**Hon. Mr. Sonntag:** — I've answered this question once earlier, but we became aware late last year that they were experiencing

cash flow problems.

**Mr. McLane:** — Second part to that question, you didn't answer it.

**Hon. Mr. Sonntag:** — Yes, we did.

**Mr. McLane:** — I'm sorry, Mr. Minister; yes, we did what?

**Hon. Mr. Sonntag:** — Yes, we knew we had observers there.

**Mr. McLane:** — I'll let that go because I don't believe for a minute that you were aware that you had people there and that the Lake Diefenbaker Potato Corporation was in the trouble it is.

Mr. Minister, when your observers report back to your deputy and then hopefully to you, what are your plans to help resolve the situation that the Lake Diefenbaker Potato Corporation finds itself in?

**Hon. Mr. Sonntag:** — Largely of course it'll be entirely contingent on what they report to us.

**Mr. McLane:** — Given as I said earlier, Minister, that your government was the main thrust into the potato industry in this province and certainly in the Lake Diefenbaker area, do you take any responsibility for what has happened to a company like the Lake Diefenbaker Potato Corporation?

**Hon. Mr. Sonntag:** — I can't comment on what the Lake Diefenbaker Potato Corporation . . . what decisions they make. That's entirely up to Lake Diefenbaker and their board of directors.

**Mr. McLane:** — Well, Mr. Minister, one of your employees, Mr. Harvey Fjeld, was instrumental in setting this corporation up and getting investors in the area to invest in it. Now today you're telling us that you don't have any responsibility to that. Why then were some of your people involved in starting up that corporation?

**Hon. Mr. Sonntag:** — To the best of my knowledge, Mr. Fjeld wasn't at all involved in the establishment of Lake Diefenbaker Potato Corporation.

**Mr. McLane:** — Unfortunately, Mr. Minister, then you haven't been kept informed very well because he certainly was, as were other members of Sask Water.

In light of the investment of local producers — and it could have a detrimental effect to the potato industry, certainly in the Lake Diefenbaker area on both sides of the river, as your cabinet colleague will tell you — if something should happen to this corporation, many people are going to lose some money, lose some land. And it could have a real detrimental effect on the potato industry in Saskatchewan in that area if this company was to go under.

With that in mind, do you not feel that it may be the role of government to ensure that they can intervene on behalf of those farmers and those producers, and talk to the creditors to allow them to come up with some reasonable end to their plight? If

they don't, there will be many people out of business in that area, as well as your potato production program will go down the tubes.

**Hon. Mr. Sonntag:** — The two secured creditors are in discussions, as you alluded to earlier, and we certainly would be hopeful that there would be a positive outcome from that.

**Mr. McLane:** — We would certainly be hopeful as well. But in the event there isn't, what's your plan then?

**Hon. Mr. Sonntag:** — Again, we'll wait until our representatives report back to us as to how those discussions turn out.

**Mr. McLane:** — Well, Mr. Minister, that's nonsense. You're going to wait until the creditors foreclose on them. You've got an observer at the table; I know your cabinet colleague has been involved in the meetings. What's the plan? Come up, be free with the taxpayers of this province, whom you've got millions of dollars invested out there. Tell us that you're going to do something and try to work with those people to see that they all don't go financially bankrupt.

**Hon. Mr. Sonntag:** — We've always made it clear that we are prepared to consider any reasonable proposal and certainly to work with local growers.

**Mr. McLane:** — Maybe we'll ask a question that maybe you can answer. Do you have a number of acres of potatoes that you expect will be grown in Saskatchewan this year?

**Hon. Mr. Sonntag:** — To the member, at this point we anticipate that SPUDCO will be crop sharing in 745 acres this year.

**Mr. McLane:** — I'm sorry, Mr. Minister. I didn't hear the number.

**Hon. Mr. Sonntag:** — Seven hundred and forty-five acres.

**Mr. McLane:** — Is that up from last year, or was that your original target for 1999?

**Hon. Mr. Sonntag:** — That's down from just over 1,600 acres from last year, and that's because lots of the growers have decided to grow on their own as opposed to crop sharing.

Subvote (SW01) agreed to.

Subvotes (SW02) and (SW03) agreed to.

Vote 50 agreed to.

**General Revenue Fund  
Lending and Investing Activities  
Saskatchewan Water Corporation  
Vote 140**

Subvote (SW01) — Statutory.

**Hon. Mr. Sonntag:** — Thank you, Mr. Chair. I want to certainly thank opposition members for their questions, and I

want to thank my officials from Sask Water in their assistance to me this evening.

The committee reported progress.

**COMMITTEE OF THE WHOLE**

**Bill No. 22 — The Special Payment  
(Dependent Spouses) Act**

**The Chair:** — I would ask the minister to introduce her officials please.

**Hon. Ms. Crofford:** — Thank you, Mr. Chair. This evening I have with me from the Department of Labour Sandra Morgan, the deputy minister. We're joined by Pat Parenteau, policy analyst; and Jan Whitridge, legal analyst; and behind the bar, John Boyd, director of planning and policy branch; and Peter Federko, who is the chief executive officer of the Workers' Compensation Branch.

**Clause 1**

**Mr. Toth:** — Thank you, Mr. Chairman. Madam Minister, welcome to your officials. And, Madam Minister, we appreciate you taking the time. Certainly, I know my colleagues have extended condolences and we will be mindful of that in this discussion, we have as well this evening.

Madam Minister, this debate has been going on for a significant period of time. It's an issue that affects a number of individuals and no doubt due to the extent of the time and the debate, maybe not as many people today as it did even a year ago. I'm not exactly sure what the numbers are. Some of the questions we've raised in the past while, and certainly last spring when the question came before the Assembly, was the amount of compensation that the government would be facing if you either allowed the courts or if you basically went back and rightfully met the needs, not just the needs, but the requirements of what would have been paid out in pensions to the disenfranchised widows who have been affected as a result of the changes.

(2000)

And, Madam Minister, I think when we look at the disenfranchised widows tonight, and one would have to ask, if indeed none of the individuals we're dealing with today, if indeed none of them had remarried, I'm wondering what, Madam Minister, what kind of costs we would be — I shouldn't say we wouldn't be facing a cost because they would actually have continued to receive their pension — but has the department any idea of what that pension would have amounted to today had none of the individuals remarried and would have continued to receive the pension that was theirs at the time when they remarried?

**Hon. Ms. Crofford:** — Thank you to the member from Moosomin. The figures would have been for the back pay portion of it, if you want to put it that way. Seventy-four million without interest, 99.4 million with 7 per cent interest and an additional 34.4 million for future benefits. So what would that be . . . about 134 million.

**Mr. Toth:** — So that, I guess what I'm saying, Madam Minister, is if each individual disenfranchised widow had not remarried, the workers' compensation pool would have been paying . . . over that period of time would have paid that money to each and every one of the widows. It was money that was coming to them as a result of an accident on the job that had taken away their partners.

And I think the concern is . . . and I think when we look at it, you look back if indeed that payment had continued, while it looks like a significant dollar value today, when you look back through the years, if that would have been an ongoing payment to each and every one of the widows, it wouldn't be necessarily that high for the simple reason it would have been an ongoing factor that we wouldn't have to be dealing with today. And I guess what we need, Madam Minister, while you've argued that as a result of some of the fiscal constraints that that is certainly a large number to try and work with today.

I just noticed, I believe last week, Workers' Compensation Board had, if I'm not mistaken, something like a \$42 million surplus in their fund and they're now paying back or sending back some rebates to some of the employers.

Madam Minister, I guess the question is, when you look at . . . the bottom line is workers' compensation was . . . this is a workers' compensation issue that we're dealing with and it would seem to me that if the proper criteria had been followed from day one, Workers' Comp would have factored that in and we probably would not be facing any premiums any higher than we are now if we would have continued that process. Now that's water under the bridge. We realize that. That's water under the bridge and we're basically dealing with something that . . . I would have to say an injustice from the past.

When you . . . based on the numbers you've given us and the fact that the current piece of legislation limits the payout to \$80,000, how many individuals are you aware of that qualify and what is the total amount that this \$80,000 would be to the disenfranchised widows if they all decided to take that payment?

**Hon. Ms. Crofford:** — I'd like to clarify just some factual things. Now any insurance plan is based on an actuarial assessment of what would be paid out, given the rules that the premiums were collected under at the time they were collected, no different than pension plans or anything else.

So the employers wouldn't have been paying premiums as if the Charter of Rights existed; they would have been paying premiums under the old set of rules. And under those old set of rules people didn't get zero, but they did get a different kind of compensation that existed under the old rules.

So one of the things you have to understand is that it wasn't money just sitting there that wasn't used; it was a different set of rules for the different set of actuarial tables and a different set of premiums at that time. The amount that it would be would be about 23.4 million for 272 widows under the current intention to do an \$80,000 tax-free per widow, as well as a reinstatement to the six widows that came within the time that the Charter of Rights was proclaimed and when our legislation changed in the province.

**Mr. Toth:** — Madam Minister, how did your department arrive at this figure? No doubt the women involved are different ages and some probably would qualify for more; some would qualify for less; some would probably receive significant funds higher. And what criteria did the department use in establishing this \$80,000 figure?

**Hon. Ms. Crofford:** — There was really two broad directions to go in here. One I guess I would call the full-meal deal where you decided that you would go the direction that Ontario and BC (British Columbia) went to full retroactivity, even to people who were in the program before the Charter came into force.

And then there was the other way which some provinces went where it was reinstatement from date of reapplication when they changed their legislation. And if you look at it from that point of view, maybe PEI (Prince Edward Island), being the most recent example of reinstatement from 1998, and you look at the differences between what the widows would receive under that . . . when I looked at the fact that if you weren't going the full-meal deal route and you were going down some other road of trying to meet the fact that there was a need there without acceptance of liability then the question became, how do you come up with something that's the most fair to the most of the women?

And the most fair seemed to be, because some of the women were older and more frail, they would not live long enough likely, given our life expectation as women, to collect a significant amount at a small payment per month. And it was probably more beneficial to receive a one-time lump sum payment where they had the financial freedom to make a decision what to do with a reasonable amount of money received all at once instead of in small amounts.

**Mr. Toth:** — Madam Minister, this payment we're talking about tonight, who's required to pay the payment? Is the payment coming out of the WCB (Workers' Compensation Board) or is it going to be coming out of a special provision of general revenue pool?

**Hon. Ms. Crofford:** — This is an application against an insurance fund, and I think every province that's dealt with this has made the compensation out of the insurance fund.

**Mr. Toth:** — So if it's coming out of an insurance fund, then when you're carrying insurance, insurance has different levels. Would not that insurance fund have been able to pay a higher level that would have maybe seemed fairer?

You've given some reasons why you've come up with that \$80,000 formula, but when . . . It seems to me . . . I know the argument is whenever you carry insurance, you're going to basically look at what the maximum payout would be, and the fact that work . . . it's not really going to hurt Workers' Comp other than maybe premiums to pay or the general revenue pool.

So I guess the question being, in looking overall . . . and like I indicated earlier, some widows may be around 80 or less, some a little higher. Why would you not have given some consideration to that and looked at this fund at possibly being somewhat higher to be fairer to all the widows involved?

**Hon. Ms. Crofford:** — I think one of the things you have to look at is the purpose of the program itself. And what you're trying to do is have a balance between employers feeling that it's more beneficial to them to pay into a workers' compensation fund than to go the route that they go in the United States where they're into litigation and court cases. Right now you have the heads of large business organizations there being basically sued for murder, for all levels of things, because they have a litigation-based system instead of a workers' compensation system.

So one of the things you need to try to do is maintain support for the program and for employers' belief that this is a better way to go than to go the judicial route that they've gone in the United States. And one of the trade-offs in the program is you try to achieve a reasonable premium level while at the same time getting a buy-in to the both preventative and payment parts of the plan. And in return for giving up the right to sue, people get a guaranteed level of compensation, either for injury or death.

And one of the problems we're running into in Saskatchewan, particularly need I say during the prior government, was that the fund was in big financial trouble, and the integrity of the fund itself was threatened. And employers also felt that because in Alberta they pay such lower premiums than they do in Saskatchewan, the employers were certainly not looking for us to increase their premiums. They were looking for us to decrease their premiums.

So again what we tried to do with the surplus that was there in the fund was to balance the needs of the widows with also the needs of employers, who were already feeling that the premiums were higher than a sustainable level, to get a commitment to stay in this kind of a program. So there was a question of jeopardizing even the program itself if you had to now apply a whole new set of premiums in order to pay this much expanded program that you're suggesting, and again making the argument to them to do that in the absence of a legal imperative.

**Mr. Toth:** — I guess, Madam Minister, I remember a number of years ago, and certainly I didn't keep it up at the time, but there was an insurance policy that I was carrying personally. And I would probably guess had all the couples that we're talking about here, had they had private policies, those policies, upon the death of the spouse, would have probably paid a level and would have paid whatever the guarantee of that policy was, right through till the time of the natural death of that spouse. That particular insurance program I'm talking was you could carry certain levels of monthly payments if you were disabled, and then if you happened to be deceased, then your spouse would receive those payments. And as I understand the policy I had at one time, there was no ending to that policy; that my spouse would have received that.

And I guess the question I have is . . . and the question I don't understand is why there was a change as a result . . . I mean, the fact there obviously was a fine line that said upon remarriage that this policy discontinues, or this pension discontinues. Is that exactly what was said at the time?

(2015)

**Hon. Ms. Crofford:** — A personal insurance example probably isn't the best example because in a personal insurance example you pick the plan you want and you pay the premium to get the plan you want. In this instance here, it's more like a disability plan because the employer pays the entire premium. So it's an employer package with a certain set of things that you get for opting in to that package. So it's not really quite the same as personal insurance where you sit down with your agent and you say for this level of coverage I'm prepared to pay this much per month. That's not the kind of situation it is. The employers buy the package that's there.

And at the time, pre-1985, what the agreement was in that package was that people in this situation received a tax-free lump sum payment when their benefits were terminated and, in addition, any dependent children continued to receive monthly payments until age 18. And it was also assumed at that time, because of the different status of women and whatnot at that time, that if they remarried, a new spouse would contribute to the household income.

**Mr. Toth:** — Madam Minister, to date, how much . . . what has your department spent, or Workers' Comp spent on obtaining legal opinions surrounding this matter?

**Hon. Ms. Crofford:** — The costs for ourselves, because I got two runs done on the actuarial table to make sure that the figures weren't inflated. And so the cost to us has been about \$50,000 to get the actuarial figures that, again, after I became minister I got the work repeated just to make absolutely sure that the figures were accurate and that we weren't working with artificially inflated figures. And so there would be the \$50,000 cost for that and there would be some costs. The legal advice was in-house through the Department of Justice and I don't really have a figure for that but it wouldn't be substantial.

**Mr. Toth:** — Thank you, Madam Minister. And there's one thing I neglected to mention earlier on, when we began, was the fact that certainly while there are a number of concerns as to the legislation and the payment that's before us today and some of the parts of the legislation, the fact that it's even here is some recognition. And I think we certainly want to acknowledge your part as the Minister of Labour because we've discussed, as I've said, this issue for a number of years, and previous ministers said they were looking into it but we never seemed to get very far in it. And so I want to acknowledge the fact that you've taken some leadership in that part.

Madam Minister, your department I believe is quite well aware of some of the legal situations that have arisen in other jurisdictions, I believe, namely BC, where the legal opinions have actually come out in favour of disenfranchised widows. And I'm sure that has to be a concern to your department because as I understand the legislation, for any widow who doesn't decide to take the \$80,000 lump sum, if they decide to go to the courts and at the end of the day they really don't get anywhere, they lose even access to the \$80,000. So that is an indication to me that you're aware of other legal opinions across the country.

The question I have to you is what types of legal opinions have you received as minister responsible for labour, in regards to the fact that if a number of women decide to go through the courts,



what you might be facing down the road?

**Hon. Ms. Crofford:** — One of the things that really distinguishes Saskatchewan from the other provinces is that we acted very quickly to change our laws once the Charter came into effect. It was really only four months between when the Charter came into effect and when we changed our law. In BC, this wasn't the case. They let their law sit from the time of the Charter in '85 until 1994. So they had had a very sustained period where they were essentially breaking the law under the Charter.

We have six widows who fall into that category, who were in this situation between the time that the Charter was enacted and the four months later. Now those widows likely would have a good case in court, but in 1994 there was a court case, *Murray v. Canada*, in which the judge ruled in the Supreme Court that the Charter cannot be applied retroactively. And in some jurisdictions this decision has been made, not based on a legal case but as a policy decision. And I guess they've just decided that they could afford it to do that. But it's certainly our advice that the Charter would not apply retroactively and that it would be these six widows between the time that the Charter came into force and when our laws were changed. And the BC situation was different because they were in contravention of the Charter for so many years.

**Mr. Toth:** — So what you're basically saying then, Madam Minister, based on the fact of the changes being made in Saskatchewan much quicker, it's your opinion or the opinion that you've been receiving or received in your office, legal opinions that are basically indicating that the widows, if they challenged it, would have a difficult time challenging the portion or the dollars that you're offering today — that they may not have the same grounds or feet to stand on as the British Columbia case. Is that correct?

**Hon. Ms. Crofford:** — That would be accurate, but I would re-emphasize that they certainly continue to have the right to do that. It's not our goal to keep anyone from going to court. And even up until two years, even if they choose to pursue court action, at any point if they feel that's not producing the results for them that they hoped for or that they don't feel that it's going to go in the right direction, they still have the option then to cease that action and still apply and still receive the money.

**Mr. Toth:** — Well I guess, Madam Minister, considering the fact that we can go to any number of lawyers, and they can all come up with a different opinion, it certainly presents the disenfranchised widows with a very serious decision in regards to that because certainly they'll be . . . I know we've chatted with a number of them who have been looking at different provinces and different circumstances, and they're weighing the options. And it's very difficult considering they've been pushing this issue for such a long time, and I can appreciate why \$80,000 to many of them is almost a slap in the face.

But, Madam Minister, as I understood the last part of your question, you had indicated that the disenfranchised widows, once this legislation is moved through the Assembly, that they have up to two years to apply for the \$80,000, that they have that time to sit back and determine whether or not court action is worthwhile. And if they don't go that route, they have access

to that. And I guess that's something that would have to be weighed very carefully because, even if you chose court action and found you weren't getting . . . you could eat your \$80,000 up fairly quickly. So that's another area, when you look at it, \$80,000 doesn't really stretch that far.

But what you're telling us tonight is that there is a two-year . . . I guess don't know if I can use the term, phasing in, but there's a two-year period whereby anyone at any time during that period can apply for that \$80,000.

Now is your department fairly . . . do you have a firm number of individuals? Or are you uncertain as to whether there are some other individuals who may qualify for this as well, beyond what you know today? Is there any information out there that would certainly let people know where they sit in regards to possibly qualifying for this disenfranchised widows' payout?

**Hon. Ms. Crofford:** — The actuarial company that provided the figures has estimated it at 272 persons. And as soon as the Act is passed, the Workers' Compensation Board will begin advertising across Canada to determine if there are people who have moved to other provinces or whatnot that might qualify.

**Mr. Toth:** — Thank you, Madam Minister. I believe that there's one other portion that certainly is of major concern, and maybe some of the other members will be raising it as well. And I believe it's the point about court action.

There's a part in the legislation that talks about court action and the inability to qualify for the funds. And I wonder if you could explain that a bit and why that portion is part of the Bill.

**Hon. Ms. Crofford:** — Because it has been the belief in making this decision that this is a gratuitous payment and not a liability, it then is a question of whether a person accepts that or not. And under common practice in this kind of a situation, I think this is a fairly standard legal provision.

**Mr. D'Autremont:** — Thank you, Mr. Chairman. I'd like to welcome the minister and her officials here this evening. Before I start into asking any questions I would like to take this opportunity to read out a petition that has been circulating the province. As we present petitions during the day, we don't get the opportunity to read the entire text, but this not being a normal time for presenting of petitions, we can read the entire text, so I will do so.

And this is a petition in support of Saskatchewan's disenfranchised widows, and it says:

To the Honourable Legislative Assembly of Saskatchewan in legislature assembled: The petition of the undersigned citizens of the province of Saskatchewan humbly showeth:

That all widows/widowers who lost their husbands/wives through work-related fatal accidental deaths prior to 1985 suffered significantly because of the decision to deny them benefits if they remarried before 1985;

That the removal of the survivor's pension based upon remarriage:

a) denied them an important source of income;

- b) was based upon a false, unfair and discriminatory practice;
- c) may have discouraged widows/widowers from remarrying and interfered with choice and privacy rights;
- d) may have created a situation of dependency on a spouse in remarriage; and
- e) failed to have regard to the personal circumstances of the widows/widowers and failed to have regard to the vagaries and contingencies involved in the remarriage.

That the offer made by the Province of Saskatchewan does not take into account the entitlement owed to each widow/widower and does not restore pension benefits rightfully owed to them.

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to have the Workers' Compensation Board Act amended whereby benefits and pensions are reinstated to Disenfranchised Widows and whereby all revoked pensions are reimbursed to them retroactively with interest to April 17, 1985. And as in duty bound, your petitioners will ever pray.

Mr. Chairman, these petitions come from across Saskatchewan and, Madam Minister, from Saskatoon, from Wynyard and Quill Lake and Watson, Coronach, Rockglen, Bengough, Willow Bunch. A lot of these came from the Coronach area, Madam Minister: Fife Lake, Estevan, Nipawin. As I said earlier, Madam Minister, they have come from across this province — Assiniboia, Willow Bunch. And so I would like to table them, for the record, so that people will know that these people had a concern for this Bill, had a concern and believed that some necessary changes were needed to the Bill to recognize that the widows in particular, but the widowers if there are any, believe that they had some rights that were abrogated by the law and are seeking compensation for those lost rights, and for the harm that was caused to their lives when the compensation was withdrawn from them at time of remarriage. And I'll turn this in to the pages later.

So, Madam Minister, when you talk about a gratuitous payment to the widows, my interpretation of that would be that the government has no imperative to make that payment — that this is being done for compassionate reasons, for recognition that these people suffered some harm in their lives but that WCB and the government were not responsible for that.

(2030)

So, Madam Minister, that being the case, that this is a policy decision to provide some compensation because of compassion reasons — not because of legal grounds, not because of a need, not because any wrong was done — why is this money being taken then from an insurance program, Workers' Compensation Board? Why is it not being taken from the general funds provided to this government by the Crown, through taxation, that is administered by the government and used in a number of cases on compassionate grounds on the belief that it's a social need and that the government's role is to provide for that social need, and to provide sums of money to individuals to aid them in their place in society?

An example of that would be monies provided through Social

Services. There is no legal requirement set out in common law that says we have to provide that, but as a society we have agreed to provide that to individuals because we believe that they are deserved of some assistance. In this particular case, the government is saying that the widows and the widowers are deserved of some compensation, not because of legal reasons but because of compassion. So would it not seem reasonable, Madam Minister, that this would be paid from the general coffers of the government rather than through an insurance program?

**Hon. Ms. Crofford:** — Well I guess your argument is a bit of a moving target because if the argument is that an insurance program owes something, it seems reasonable then that the claim is theoretically at least against the resources of that program. And moving it to the General Revenue Fund doesn't solve any problems, because when you're looking at a surplus of eight million, I would ask you whether you would take the money out of highways, education, or health care in order to pay for it.

**Mr. D'Autremont:** — Well, Madam Minister, you didn't answer the question, though . . . (inaudible interjection) . . . whether or not a compassionate payment should come from general revenues, or should it come from an insurance program.

**Hon. Ms. Crofford:** — In every province that has dealt with this, regardless of the fact that every province has handled it differently, the payment has come from the insurance fund.

**Mr. D'Autremont:** — Well, Madam Minister, indeed the provinces have handled this situation differently. BC has reinstated the widows, providing them with compensation retroactively to 1985, and reinstating their pension benefits. Alberta has at the present time done nothing, to the best of my knowledge. Neither has the Northwest Territories. In Saskatchewan we have this piece of legislation that will provide \$80,000, and it is a significant amount of money, particularly considering that it is tax-free. Manitoba still hasn't proceeded with anything at the present time. Ontario has reinstated the pensions. Quebec has done nothing, is perhaps in the works but as of yet has nothing there. Nova Scotia reinstated the pensions. Newfoundland reinstated the pensions. Prince Edward Island reinstated the pensions, as did New Brunswick.

So, Madam Minister, the majority of the provinces across Canada, to my information, have reinstated the widows' pensions. It's only Saskatchewan that has legislation now on the books that has not provided that reinstatement, and Alberta, Manitoba, the Northwest Territories, and Quebec have yet to do anything on this matter. So we have four provinces that have done nothing, five that have reinstated, and only Saskatchewan that is providing for a cash settlement payout but no reinstatement.

So when you say, Madam Minister, that everybody is different, you're certainly right. And you can't say that all of these provinces are richer than Saskatchewan because I would suspect that Newfoundland financially is in at least the same position that Saskatchewan is, if not in a worse position. Their taxes are even slightly higher than Saskatchewan's. They are the worst taxed in Canada and Saskatchewan is the second worst.

So, Madam Minister, the widows are not happy with this situation. They believe that they are entitled to a reinstatement of their pensions, and that's what they're asking for. They believe that because this is a gratuity, a gratuitous payment, because it's not tied to legal action, that they should therefore not be denied legal action against their insurer — their insurer being the Workers' Compensation Board. But your piece of legislation would deny them that opportunity if they accept the \$80,000.

So, Madam Minister, what if an action was to be commenced by a widow or a group of widows against the Workers' Compensation Board and the case is heard prior to the two years, and settled prior to the two years, but the case is dismissed by the courts? Would they then be entitled to the \$80,000?

**Hon. Ms. Crofford:** — I'm just going to reiterate a couple of points that you made in your preamble there, just to make sure there isn't an incorrect idea of what's gone on. We could have gone the route of reinstatement from date of reapplication, like Nova Scotia and is it PEI (Prince Edward Island)?

And the reason that we didn't was, given the pool of money available, it was more fair to more of the women to go the lump sum payment, because some were older and some were younger. And in order to even out the benefit from the point of view of being able to benefit within a lifetime, it seemed like the one-time lump sum payment gave more financial freedom to more of the women, other than using that same amount of money to reinstate benefits from the future forward.

Now I will mention that both Alberta and BC ended up raising their . . . oh pardon me, Ontario and BC ended up raising their employer premium significantly after they made these policy decisions, and that Ontario also at the same time reduced benefit levels and restricted the types of injuries that are compensable at the same time they did this. So they kind of gave with one hand but took away with the other to the current and future beneficiaries of the program. So it's only all roses if you only look at part of what they did.

The other comment I would make is that the legislation, the intent of the legislation as it's written, is not to prevent them from court action. They can go ahead and do that. I think the intention of the legislation is that if they lose their court case, yes, you're right, they're not entitled then, but they could stop action at any point along the way that they felt they weren't likely to have a good outcome and they would still be entitled to the payment. I think the issue is around funding the action.

**Mr. D'Autremont:** — Well I'm not sure that the question is about funding the action, Madam Minister. The indication we have from the participants in the disenfranchised widows' group is that they have the funds available to carry on a court action if that is their desire. Now it's obviously not their desire to do so if they can achieve their ends without the need to go to the courts.

I wonder if, Madam Minister, if you could give me an explanation of what do you mean by reapplication. In the case . . . my interpretation would be that the government would say we're prepared to accept applications for reinstatement of

benefits. Now would that apply at the time that the application was made, be it May of 1999, or would it somehow be at some other date previous to that?

**Hon. Ms. Crofford:** — No it would be from the date that the women applied and then forward after that date.

**Mr. D'Autremont:** — Thank you, Madam Minister. I have here a copy of a letter from a legal firm that was sent to the Premier, and I suspect you probably received a copy of that, which states a number of legal conditions and items that had happened previously, precedents based on the Grigg versus British Columbia case in 1996, which brought this forward in that province at which point in time the government was forced to pay to reinstate the pensions and to pay the compensations.

Madam Minister, it seems to indicate to me that . . . and obviously I am getting one side of the story here from one lawyer, and as the Minister of Finance told us, I guess it was last session, that if you hire a hundred lawyers you'll get a hundred different opinions. And being a lawyer himself, I'm sure he knew wherewithal he spoke. And I'm not sure if that also means if a hundred different people are hired you give out a hundred different opinions on the same issue . . . (inaudible interjection) . . . No, you didn't. But you can certainly find a lot of lawyers around, though, who will provide you with those hundred different opinions.

So, Madam Minister, it seems to indicate here that one would suspect that the widows would have a strong case if the law is comparable between Saskatchewan and British Columbia. And I suspect that it was basically the same law. So I'd like to read you a couple of lines from clause no. 14 in this presentation in which it says:

In Grigg the court considered whether a distinction drawn on the date of remarriage rather than simply a consideration on whether or not the claimant was married constituted discrimination on the basis of marital status. And the court held that it did.

Now the part I read is the opinion and not the ruling from the court that this decision was based on.

But, Madam Minister, would you provide some other explanation as to the Grigg case versus British Columbia that would substantiate your modus operandi in providing a gratuitous payment rather than providing reinstatement and compensation.

**Hon. Ms. Crofford:** — Well again our legal opinions are based on the Saskatchewan experience, and BC is the only province I think that has a completed legal case in this matter. And in that particular case, it was post-Charter widows that launched the case.

**Mr. D'Autremont:** — Madam Minister, can you give me an indication of . . . in British Columbia and in the other jurisdictions that have settled this, whether or not those widows that remarried prior to April 17, 1985 were also reinstated for their pensions?

**Hon. Ms. Crofford:** — In two jurisdictions it was retroactive to

1985 and in three jurisdictions it's from date of reapplication forward.

**Mr. D'Autremont:** — Thank you, Madam Minister. Did it also include, though, widows that had remarried prior to 1985 and the Supreme Court decision?

**Hon. Ms. Crofford:** — Yes, for date of reapplication forward it did include the others as we are including the others in a lump sum payment, feeling that that is fair to more of the widows than going from date of reapplication forward.

**Mr. D'Autremont:** — Madam Minister, did any of the provinces also provide compensation or retroactive benefits to some other date prior to the date of reapplication?

**Hon. Ms. Crofford:** — Yes, two out of five, and eighty-five only.

**Mr. D'Autremont:** — Did the two that provided the compensation to a prior date, probably 1985, was it at the level they would have been receiving had their benefits not been discontinued or was it at some other level of compensation?

**Hon. Ms. Crofford:** — It reflected all the different changes in the Workers' Compensation Board's policy over time within those provinces so it would have been as if they had been in the program.

**Mr. D'Autremont:** — Okay. Thank you, Madam Minister. I think that's basically what the widows in Saskatchewan have been asking for, is that kind of action.

Madam Minister, if one person who is a party to an action taken against the WCB or against the government in this case, was to discontinue the involvement, is she eligible for payment of the \$80,000 even if the action is continued by other plaintiffs?

**Hon. Ms. Crofford:** — The answer is yes.

**Mr. D'Autremont:** — Thank you, Madam Minister. Once we get into going through the Bill clause by clause, I will be proposing an amendment to the Bill which would allow widows to seek compensation through the courts as well as seeking the compensation of the \$80,000.

(2045)

One of my colleagues, the independent member from Greystone, will also be introducing an amendment which would go if compensation were awarded by the courts would discount the amount of compensation that a widow or widower may have already received based on this piece of legislation.

Madam Minister, I think there are a good many people across this province who feel that this would be a fair system of compensation, a fairer system. I recognize that because this is coming out of the Workers' Compensation Board, that the people at Workers' Comp who are paying the fees to Workers' Compensation Board do have some concerns with the costs that may be added to their fee structure to provide any compensation that is necessary.

And that's why, Madam Minister, on the \$80,000 per widow since it is a gratuitous payment, the feeling is that it would be better provided by general coffers, by the general fund rather than coming out of an insurance program that will be compensated from current employers' benefits. As you explained to my colleague, benefits in the past prior to 1985 were based on the actuarial statistics of the time and the assumption that a certain number of people on the pension program would remarry and therefore not be eligible for their benefits.

So, Madam Minister, I would ask that you give consideration to that as we proceed through the course of this Bill and give some serious consideration to the amendments that will be proposed as we go through clause by clause. Thank you very much.

**Ms. Haverstock:** — Thank you very much, Mr. Chair. I shan't take a great deal of time tonight, but I most certainly think it's appropriate that we're addressing this, this very evening given that tomorrow is the annual day of mourning for workers killed on the job. And I view our work tonight as rectifying some wrongs. First of all honouring the deaths of spouses who are no longer with their families, no longer with them as income earners, as emotional support systems, and in most cases as parents. These individuals were also someone's son or daughter, brother or sister. And in the case of the women who are with us this evening in the gallery, they were their best friends and their loving partners. And I don't want us to lose sight of those things in this discussion.

Our work really then is about the memory of those people who are now gone and especially those who were left behind. And I guess one of the things that I wanted to do was to bring this for re-edification this evening about the real seriousness about trying to address retrospective justice. And it most certainly is a very, very onerous task, a very difficult one —not just facing this situation, but as we know, we've been dealing with treaty rights and so many other things, and it's difficult for a lot of people to get a handle on retrospective justice.

Now you've all heard me talk ad nauseam, I'm sure, about there not being a fair and just world and it's not. It's not a fair and just world.

And it most certainly is difficult to face the greatest challenges of all, and that's what these women have had to suffer along with their children. And I don't want to just simply say women; I know that there are men who have lost their wives as well, but just for the situation this evening I'll address them as widows.

And I wonder, Madam Minister, if you would comment — and this is really the core for me this evening because I don't want this to go on and on all night — the decision by your government to include in this Bill the removal of democratic rights, because I believe that it is an inherent democratic right for us to be able to pursue legal recourse if one so chooses. And to me that really is the fundamental thing. What was it that led your government to make this decision to withhold this right?

**Hon. Ms. Crofford:** — I don't think — with all due respect to the member, because I do respect the member — that it's a question of denying recourse to the legal system. It's a question of funding the recourse to the legal system. The women always

have had and continue to have the right, as any other person does, to use the legal system to determine the legal obligations of a government. And our decision has been based on legality, to our understanding of it, and on good public policy in terms of the workers' compensation fund and the employers that are part of that fund and the workers that are part of that fund.

Now if a court was to make a different decision, we would certainly honour that, but that would be something that the women will have to make a decision about themselves and will have to move forward on themselves.

**Ms. Haverstock:** — I think I understand, Madam Minister, what your comments were, but I want you to understand that there is also a perception. The perception is that this is a punitive measure — that if someone accepts the \$80,000, they should forfeit their right to legal recourse. If they do not accept the \$80,000 and they walk empty-pocketed as many of them have now for decades — many of them, as you know better than probably anyone here; we've spoken at great length about the circumstances facing some of these individuals. They then, in order to pursue their legal right, have to live longer without. And it really leaves people with the perception that there's punishment here for the decision to want to go into a court of law and pursue their legal rights because we've already heard that there were legal considerations, Charter considerations, and compassionate considerations.

And by the decision to put in the Bill that there in fact is what I call a lump sum payment — I don't call it; it's called it in the Bill — a lump sum payment called a gratuity, this removes it from the legal consideration and the Charter consideration and puts it much more into the compassionate consideration. And that's part of what has confused me somewhat. And I guess what would really be helpful to a lot of people would be for you to take a few moments and to tell us whether or not you can understand the perception that some may have that this is seen as a no-win situation for them, that they see this as a punishment rather than a pure benefit.

**Hon. Ms. Crofford:** — I can understand that, but I have to tell you after being in government since '91, perception is always a little different than governing. And I don't mean that in any flippant way, but it's much more difficult to decide of all the requests that come to government for funding and compensation how you can satisfy the depth of justice that you might wish to satisfy.

There is many cases where there's disagreements about what should happen, whether it's over a discussion about land, a discussion about . . . HIV (human immunodeficiency virus) would be an example. And the provisions that are in this Bill are similar to the provisions in the HIV compensation Bill. They also signed a similar agreement in order to receive payments. And it is common in every case where governments would prefer to not go to court and would prefer to settle things and are prepared to allocate a sum of money to achieving that purpose that this kind of condition exists. Whether that will be a condition that exists into the future, I can't say, but certainly it's been a common practice to date.

**The Chair:** — Why is the member on his feet?

**Mr. Jess:** — Leave to introduce guests.

Leave granted.

### INTRODUCTION OF GUESTS

**Mr. Jess:** — Thank you, Mr. Deputy Speaker. I want to introduce to you and to the other members of the Assembly, Ernie and Jean Harack, former residents of Redberry Lake constituency, farmers and business people from Radisson, who now after many years of Ernie being employed by the Saskatchewan Wheat Pool make their home here in Regina and are in here this evening to listen to the debate with interest. Please join me in welcoming Mr. and Mrs. Harack.

**Hon. Members:** Hear, hear!

**The Chair:** — Why is the member on his feet?

**Mr. Whitmore:** — With leave, to introduce guests.

Leave granted.

**Mr. Whitmore:** — Thank you, Mr. Chair. I too would like to welcome Ernie and Jean here this evening. I have had a long involvement with Ernie when he was in his employment with the Saskatchewan Wheat Pool as a district representative and was one of the people that I guess recruited me to become a delegate for several years in the Saskatchewan Wheat Pool. So I would like to welcome Ernie and Jean here this evening.

**Hon. Members:** Hear, hear!

### COMMITTEE OF THE WHOLE

#### Bill No. 22 — The Special Payment (Dependent Spouses) Act (continued)

#### Clause 1

**Ms. Haverstock:** — Thank you very much, Mr. Chairman. Madam Minister, I was very interested in what you said and as you know, many years passed when the first discussions of HIV positive people and those who went on to develop AIDS (acquired immune deficiency syndrome) related illnesses and sadly, there are subsequent deaths of many people who came and made the case to us in this very building. I know what you're talking about and I guess one of the things that I would want for any one of those people who don't have a life and are watching us this evening, is to say, you know, I would like to think that I can be a responsible person here as well and I don't want to ever say to you as a minister of the Crown, or to the government, let's give everything that everyone asks for, including the kitchen sink. Because that would be extraordinarily irresponsible.

First of all, it's not possible but it would also be irresponsible and it's incumbent upon all of us as elected members to do the responsible thing.

But one of the things that concerns me greatly is it's getting too easy for governments to begin to impinge on democratic rights

of people and one of those things that concerns me most is the way in which it appears that people's hands are being tied to do what it is that the government is wanting them to do, and they have to forfeit something in order to be able to receive some sense of justice, or in this case some remuneration for what's transpired in the past — or compensation would be a better word.

I have a lot of concerns about this because if one begins to reflect, and not just over the last 10 years but what is mounting, is greater and greater evidence of people feeling more hopeless, less optimistic, especially less empowered.

Like they feel that they are losing so much power and that they can't fight Big Brother government. And that when they do have something that they have to carry out and fight against government, that it's an ongoing, difficult kind of battle against the very people who are supposed to be their spokespeople, their representatives.

And in the end, if there is a settlement, then it's at a cost and that cost is: you take and do as we say or you give up what we're offering. And it makes it very, very difficult for Joe and Josephine Citizen to be able to feel like they've got a chance anymore. And that's one of the things that I just wanted on the record because it's something that people are saying to me more often now as they throw up their hands.

And by the way, I don't think it's all what transpires as a result of this Assembly or government and politics. Since I've got this floor for this moment I am going to give a quotation because I most certainly know that the media doesn't do anything to make people feel more optimistic, hopeful, and empowered either.

And every year there's an award given out for journalism called the Pulitzer Prize. And Pulitzer himself is the one who said:

That a cynical, mercenary press will one day create a people as base as they.

I don't want us to be cynical and I don't want people to be mercenary. I don't want people to be left with the impression as the citizens of this province that elected members on both sides of the House really don't care about them; we simply care about politics or having all the power.

(2100)

And I guess one of the things that would make a difference, I think it would make a statement, would be to consider the amendment that's coming forward this evening as a step toward empowering people. And I can see the side of government . . . In fact what I'd like to do for just a moment is to, on the basis of so much of what our discussions have been over the last year, would be to see if I correctly interpret some of the things that we've said and what your point of view is.

And I think I've heard you say this and I want to give you the opportunity to tell me whether or not this is the case. That in the best of all possible worlds the widows would be fully compensated and their pensions fully reinstated. That those who have to pay into the Workers' Compensation fund and helped to create this Workers' Compensation Board surplus would have

the benefit of decreased rates to allow them to be able to compete better, and that all others who have felt that they too have some dibs on the surplus would benefit as well.

Now I think that that's what I've heard you say, and that most certainly is the best of all possible worlds. So my question, after this very long verbiage — and I promise you that I probably won't have more than one question left after this — is the reason that there is such a concern about allowing legal recourse to these widows is that more groups and more persons with what appear to be legitimate claims against the surplus will come forward? And my addition to that question is, how much is there a concern about putting the Workers' Compensation Board fund into a deficit situation? I'm curious about the government's considerations on this and your opinion.

**Hon. Ms. Crofford:** — I thank the member for her comments. I'd just say that in the best of all possible worlds, as you indicate yourself in my comments, we would have spent the money three times because all of the interested parties would have wanted the whole surplus to go to themselves.

But I'll also talk about having a right to go to court. Having a right to go to court doesn't require that the government pay for you to go to court. And we do have a legal aid system that covers certain kinds of legal situations. I don't believe this is one of them. And certainly for all other people seeking justice in our society the rules about how you access the legal system are more or less the same.

And one of the things a government does have to be careful about is consistency because if you've got one group that wants to take you to court for one purpose that they believe is right, and you believe isn't, and you fund them to do that, then what do you say to the next group, whether they be environmental or treaty or whatever else, that wants to take you to court and equally wants to be funded to do that? And so there's also a question of consistency across the treatment of many different people who may have a differing view of what government is obliged to provide them and what the government's view of it is.

So I would just re-emphasize that certainly the group is welcome to take us to court and up until the two years has expired is welcome to apply for what we've offered. And if we are wrong we certainly would comply with whatever the court offers. But I hope you're seeing the point I make about consistency across a range of many people who may believe that the government owes them, for one reason or other, some compensation.

**Ms. Haverstock:** — Well, Mr. Chair, Madam Minister, I most certainly agree with consistency that allows for not only predictability for future groups if is based on common sense. And in fact if we really did our jobs well in governments across the land, there would be enormous consistency in terms of people working towards common objectives in having specific timelines across Crowns and departments and agencies and so forth. There would also be measurability. There would be dates where one would say, this is what we projected, and this is what actually happened. I absolutely believe in more predictable sorts of things and consistency. In fact I would not only welcome it; I most certainly advocate for it.

But one of the things that you've said is interesting, and that is . . . not just one, you're always interesting, but I just wanted to point out that the one comment that you just made is that this is being perceived in a way as giving monies over to each person, \$80,000 with which they in turn could choose to come and sue the government with this money.

You see my view is, if they're deserving of the \$80,000 they should get the \$80,000. Maybe they're deserving of more legally. But if they're deserving on a gratuity basis for the \$80,000, they should be able to do with that money whatever they wish, okay? Whether it's sue the government, go on a vacation, put money down on a mortgage, do whatever they wish to do . . . and that that is separate from their right to be able to have legal recourse.

I'm getting a little mixed up here about the perception that somehow the monies from the surplus that would be given to these individuals would then . . . the government somehow has to have control over how it is they're going to use those dollars. And I'm wondering if that's really what I'm hearing you say.

**Hon. Ms. Crofford:** — Well I don't know that we can get much further on this because I think, as I've indicated, in issues where there's disagreements of this sort, this is reasonably common practice to do this. It's consistent with the way that other compensation has been handled, and it doesn't remove people's ability to take the government to court. And let's face it, one of the reasons why governments do settle things and make offers is so that we don't need to spend yet additional dollars in courts going down roads that aren't very productive. So I would just have to say that that's really the best answer I can give, and I can't improve on it.

**Ms. Haverstock:** — Mr. Chairperson, and Madam Minister, I don't have any further questions, but I do have a comment, and most people who were hearing this Bill at second reading in the province were probably busy at work. So I would just like to reiterate my remarks from that day.

There's only one reason — well probably a little more than one — why this Bill is even in this House for consideration. And even though I have amendments that . . . an amendment and a joint amendment with the official opposition this evening that I would very much like under consideration, I want to take this moment to thank you, Madam Minister, to thank your deputy minister, Sandra Morgan, to most certainly thank your staff who have worked very, very hard to ensure that this would be brought to fruition. I stood singly, alone, and frustrated for a very long time in this Assembly talking about this issue. And if it had not been for you and the people in your department to see this through, there would not even be this offer on the table.

So I wish to just end my questioning this evening with an unequivocal thank you.

**Some Hon. Members:** Hear, hear!

**Mr. Hillson:** — Mr. Chairman, I will try and not simply repeat what other members have already put forward, although I must confess that my ideas are fairly similar to those we have already heard.

This is such a positive piece of legislation and such a good day for Saskatchewan in redressing an injustice done to a particularly unfortunate group in our society that it is really sad to me that what should be a good news story is somewhat overshadowed by one unfortunate part of the legislation, namely the women that we have frankly been victimizing over the last number of decades, we continue to hold the big stick over them when we say that the offer of compensation will be removed if they dare go near a lawyer or a courthouse.

I mentioned this afternoon the parable of the widow and the unjust judge. Now I should say, Madam Minister, I'm certainly not going to categorize you as the unjust judge, but of course the story . . . the point of the parable is that the widow was able to receive justice by her persistence, by her refusal to give up, by her continual demanding that she receive justice, and she finally got it. And I think that there is a parallel here, that the workers' compensation widows have been persistent. And with the help of the member for Saskatoon Greystone and now of this new Minister of Labour, they are finally receiving a measure of justice.

There is really only one thing that hangs over this legislature tonight and over this piece of legislation that we should all be able to celebrate, and that is there is still the whiff, the odour, of the punitive in sections 3 and 4 in saying that the compensation offered will be removed should these widows attempt to make legal claim. And I think, with all due respect, Mr. Chairman, there's something contradictory here on the part of the government. We must keep in mind that the government has consistently and persistently denied there is any legal claim whatsoever. Now the member for Cannington made reference to the Grigg case. We've been told that the government takes the position the Grigg case does not apply; there is no legal claim whatsoever.

And of course the legislation uses the term "gratuity." Now as I understand it, gratuity is legalese for freebie. So the position of the government is that this is a free, gratis payment. It is not the extinguishment of a legal claim because in the government's view there is no legal claim. So the government's position in punishing those widows who go to court is contradictory. If the government was offering \$80,000 to extinguish a legally enforceable claim, then the section would make sense.

But, Mr. Chairman, the government says there is no legally enforceable claim. Therefore the government is saying that any one of these unfortunate people who choose to spend their money on legal fees is, in their view, wasting their money and will inevitably fail. And the government is not saying we owe these widows anything. The government is very clearly saying they are in a legal sense owed nothing. But we are going to make a gratuitous payment.

Now that word gratuity, it seems to me while I understand it and I understand your reasoning, Madam Minister, it contradicts everything the government is saying. If this payment is a gratuity, if there is no legally enforceable claim as you have reiterated time and time again, then why is the government determined to avoid litigation? I mean it seems to me we try to avoid litigation where we have some concerns of the possible success thereof. But if we take the position that there is simply no legally enforceable claim and that's the position of the

government, then it shouldn't matter at all whether these women choose to consult their lawyers or not.

**Some Hon. Members:** Hear, hear!

**Hon. Ms. Crofford:** — Now if this was a TV courtroom one might enjoy that performance but I think it's exactly legal advice like that that does not do anybody a particular service.

And I would say that whereas we are not dealing with extinguishment of a claim, we are dealing with a situation where there are two differing points of view on what represents adequacy. And if you wanted to put it from the point of view of not looking a gift horse in the mouth then I guess that would be the context in which to look at it from your argument, sir.

So we aren't avoiding litigation. Anybody is quite welcome to sue us at anytime. We would certainly encourage them not to because we think this is fair. We think it's good public policy. But certainly if that is the best legal advice that you would provide then I guess it would be on your shoulders to of provided that advice.

(2115)

**Mr. Hillson:** — Maybe there's nothing further to be said in this matter, but I mean the government's position is that there's no legally enforceable claim. That's the government's position. So why does the government want to try and avoid these women from talking to their lawyers? Maybe their lawyers will agree with the government. I don't know. I'm not giving legal advice here.

Maybe the lawyers will tell them I'm sorry, I don't think there's a legally enforceable claim. But I just don't see why they have to be discouraged from consulting lawyers, why they have to be discouraged from taking legal action, and why they have to be punished if they choose to follow that route.

But I'll pass onto the next point and that is that I understand the amendments that will be introduced will be to remove the bar to compensation if a widow chooses to commence legal action, but that if she does and is successful, the \$80,000 payment that she would still, in our view, be entitled to and ought to receive, would be deducted from any final court judgment.

The member for Greystone has very eloquently pointed out that even in opposition, we have to show some restraint in arguing that the governments are merely money machines promising cash to any and every group.

But I think it is important to recognize that the widows who are receiving redress this day have not been a grasping and greedy bunch. They are by and large, if not completely, a group of limited means. They are certainly not among the pampered and prosperous of our society. And so I don't think they can be accused of being greedy and of demanding that their priorities come before other pressing priorities in our province and that their needs come before the needs of all other groups in society.

I think that the opposition is taking a responsible tack in saying that if the widows go to court, in the event they are successful, the 80,000 they receive from this Bill will have to be deducted

from any judgment.

But I simply leave with this: this legislation should be a good day for everyone. It should be a good message. It should be along the same lines as when our national government decided to take compensation for the Japanese-Canadian internees in the last war. It should be something that we should all agree is correcting a national wrong. And this legislation would be if this one section were removed — the section which provides punitive action against those widows who attempt to seek legal redress.

And I say — I still have to end with this — I find it contradictory that the government wishes to discourage legal action although they take the position that there is no legal claim.

Clause 1 agreed to.

Clause 2 agreed to.

### Clause 3

**Mr. D'Autremont:** — Thank you, Mr. Chairman. Madam Minister, I have an amendment that I would propose on this particular clause. The clause as it stands now reads:

Notwithstanding anything in the Act, the board shall make a payment of \$80,000 in a lump sum out of the fund as a gratuity to each person who: (a) applies to the board; (b) furnishes the board with proof that he or she meets the eligibility requirement set out in section 4; and (c) furnishes the board with a release in the prescribed form.

The release that is being talked about in here, I'm assuming, Madam Minister, and you can correct me if I'm wrong, is the release that says, if I accept the \$80,000 I am no longer entitled to sue WCB for any other compensations related to this matter.

So what I am proposing Madam Minister, to do with this amendment, is to add the word "and" after the word "board" in clause (a); striking out the word "and" after clause . . . after section (b) on this; and totally removing clause (c) which is the section that deals with the release in the prescribed form.

The effect of this would be to eliminate the release form that widows and widowers would have to sign which would relinquish their rights to sue the corporation, the WCB, if they were to accept the \$80,000. I believe that, Madam Minister, this is what a good many people in this province are asking for, particularly the widows and their families. It would seem to be a responsible means of dealing with this issue. So I would ask, Madam Minister, that you would support this amendment when I present it.

Mr. Chairman, I was giving the minister an opportunity to respond at this point in time if she wished to, but I would move:

an amendment to clause 3 of the printed Bill by:  
a) adding "and" after clause (a); b) striking out "and" after clause (b); and c) striking out clause (c).

I so move, Mr. Chairman.



Amendment negated on division.

Clause 3 agreed to.

#### Clause 4

**Ms. Haverstock:** — Thank you very much, Mr. Chairman. I wish to move an amendment to clause 4 of the printed Bill, and I wish to amend clause 4 of the printed Bill by deleting subsection 4(2) and substituting the following . . . Actually, Mr. Chairman, I think what I will do is read the Bill in its printed form where subsection 4(2) reads as follows:

(2) Where a person who would otherwise be eligible pursuant to subsection (1) has commenced an action or proceeding with respect to a claim arising out of the suspension, discontinuance or termination of the person's compensation mentioned in clause (1)(a), the person is not eligible for a payment pursuant to section 3:

(a) unless the action or proceeding is discontinued; or

(b) if a judgment is entered or decision made in favour of the person.

I wish to delete that subsection and substitute the following, and I hope I receive the government's positive response:

(2) Where a person who is eligible pursuant to subsection (1) has received a judgment or decision in an action or proceeding awarding to the person an amount with respect to a claim arising out of the suspension, discontinuance or termination of the person's compensation mentioned in clause (1)(a), the person, on receiving payment of the amount of \$80,000 pursuant to section (3), shall be entitled to receive only that part of the amount awarded under the action or proceeding that exceeds \$80,000.

This was addressed earlier, Mr. Chairperson, and it deals with, of course, that not only would each and every widow be able to receive the \$80,000 but would also be able to proceed with legal recourse if he or she chose to and that upon some judgment that would exceed the \$80,000, that the previous 80,000 that they've already received would be subtracted from the judgment.

I so move.

Amendment negated on division.

Clause 4 agreed to.

Clauses 5 to 9 inclusive agreed to.

The committee agreed to report the Bill.

### THIRD READINGS

#### Bill No. 22 — The Special Payment (Dependent Spouses) Act

**Hon. Ms. Crofford:** — Mr. Speaker, I move that this Bill now be read the third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

(2130)

### COMMITTEE OF FINANCE

#### General Revenue Fund Labour Vote 20

**The Chair:** — I would ask the minister to introduce her officials, please.

**Hon. Ms. Crofford:** — Well I note that I have sitting with me Sandra Morgan, the deputy minister, so this must be Labour that we're discussing. And I also have Cheryl Hanson, assistant deputy minister; Sharon Little, manager of budget and operations. And behind the bar we also have John Boyd, director of planning and policy branch; Graham Mitchell, executive director, labour services; Dr. Fayek Kelada, manager of occupational health and safety services; and Peter Federko, chief executive officer of the Workers' Compensation Board.

#### Subvote (LA01)

**Mr. Toth:** — Thank you, Mr. Chairman. To the minister again, welcome to your officials. Just a quick mental note. I'm not sure if it's looks or what, but having all the women around you up front and the men at the back, I'm not sure exactly what that means. But we appreciate the fact that you're here with your officials tonight and to raise some questions . . . (inaudible interjection) . . . Maybe it says something about getting responses quicker. I don't know.

Madam Minister, about a year ago the member from Kindersley and the former Labour minister, Mr. Mitchell, had a discussion in Labour estimates regarding the Crown Construction Tendering Agreement. And we thought it would be the last year we'd have that discussion since Mr. Mitchell said that the CCTA (Crown Construction Tendering Agreement) was virtually history at that time.

First off, Madam Minister, do you share the same view as Mr. Mitchell did about the CCTA when he said the following, and I'm quoting from last year's budget estimates, where he says:

It hasn't always been my favourite subject over the nearly two years that I've been in this position, but it's a story that is winding its way to(wards) a conclusion.

Do you have any comments on that statement?

**Hon. Ms. Crofford:** — That's a slow and winding road, and at this point the discussion is taking largely place with CIC, the Crown Investments Corporation, and I know that Minister Lingenfelter will be in discussion with those representatives because the Bill largely applies to the Crown Investments Corporation sector. And although I have been part of some discussions to try to facilitate a coming together of the parties around this issue, there's still work to be done. And I think if you wanted more detail on it you would have to speak to Mr. Lingenfelter during his estimates.

But we continue to try to get the parties to reach some kind of accommodation around the issues that first prompted this legislation, and it certainly is not easy because there's some fairly dug-in positions. If we had, I guess, a larger province and a larger set of industries, this would not be such a difficult question because in some provinces they've divided up the turf rather neatly between the different people involved in the industry. But because Saskatchewan is small and people come into much closer contact over a much broader range of projects, there seems to be more controversy around this. But no, we aren't at the end of our discussion yet.

**Mr. Toth:** — Thank you, Mr. Chair. Madam Minister, so basically what you're saying is your department is not as involved anymore in the discussions. Minister, let's see which . . . Government House Leader, Crown Investments Corporation is basically looking after that.

I guess, Madam Minister, in the discussion . . . and you said you still have had some involvement in the current discussion. Wouldn't it just make sense, Madam Minister, to basically acknowledge the fact that whether it's CIC or whether it's your department in regards to the fact that the CCTA agreement originally arose out of the Department of Labour, wouldn't it make much more common sense to allow for open bidding, union or non-union, and for government to, at the end of day, determine that what's best for the Crowns or any construction project is the lowest qualified bidder be given the job?

I have a hard time believing, Madam Minister, that we need an agreement, CCTA agreement as we have in front of us, because we want to, if you will, protect unionized companies. It seems to me that if unionized employees want to see their companies work well, that there's no reason why that can't be very competitive and provide competitive bids. And I think all this does is creates disharmony in the business world and certainly in the construction sector. And that's an area I think, Madam Minister . . . certainly we'll raise that with the minister as well and find out exactly where the current process is taking us, where we are today in regards to the CCTA agreement. And in view of the fact that it's been moved and greater discussion has taken place with Crown Investment Corporation, we won't pursue it further.

But maybe one question I could ask, Madam Minister, is exactly what role have you taken and what is your views regarding the CCTA? Are your views personally that this is an agreement that should stay in place and that you would be encouraging the minister to maintain the current status quo?

**Hon. Ms. Crofford:** — I think there are a whole range of workplace, collective bargaining, and tendering issues that are linked to this agreement. So whenever it's discussed, it's not discussed with whether just to go lower bid or not. There's a whole range of issues that are discussed within both the employer and the unionized employee perspective, as well as, I must say, the unionized employer perspective on this particular thing because you've got some employers who are wanting to be involved in a fair collective bargaining process with their employees and to do a lot of work in apprenticeship and trades and other areas, and you've got other employers who have a different view of the world. So this isn't just a union, employer issue. There's also some employers who have a different view

of this issue than other employers. So it's not as straight forward as it would appear. And it has always been a Crown investment agreement which is due to expire in the year 2000.

And so our only role really in the Department of Labour has been trying to work through some of the bargaining and other issues that get folded into this issue in this discussion, because how you go in terms of unionized or not unionized employers also does affect the bargaining process and other things. So it's not quite as simple as it's portrayed. But that's why the Department of Labour has had some involvement in it.

**Mr. Toth:** — Well thank you, Madam Minister. Madam Minister, we certainly will be following up with further discussions with CIC when we have an opportunity to sit down with the minister then. The unfortunate part, Madam Minister, however as I believe, CIC most of that will take place in committee, and I don't believe we'll have the opportunity on the floor of the Assembly to have the minister here. And that's a concern because it just doesn't give us the same time or the same public exposure as you do on the floor with the . . . (inaudible interjection) . . . Well, Madam Minister, is calling across question period. We only get so many minutes in that and the Speaker keeps us really tight in that area as well.

But it is an issue that we will continue to raise and then certainly it continues to be brought to our attention. In fact just recently we got a letter from Manley, the Saskatchewan Construction Association. I believe all of you and your colleagues received the letter from the Saskatchewan Construction Association dated April 22, which is just actually a couple of days ago. The letter points out a number of areas where there is . . . continues to be a rift between the government and the industry.

And so that's why, Madam Minister, that's why we raise it here with you tonight because of the fact this is really the only real opportunity for us to debate this whole issue as far as on the floor of the Assembly. And it's a concern to us when it gets moved to CIC, and down the road we'll have an opportunity in committee of Crowns. But that will not be quite as an open process as I . . . it seems to me as I feel that the privilege of discussing it here in the Assembly.

Madam Minister, another couple of areas I'd like to just move into as well this evening is, and not probably not spending as extensive time as I might, but I want to raise a couple of questions. In the last year this Assembly has been called on to pass two back-to-work orders dealing with strikes in this province. Back in the fall, you may remember, Madam Minister, with power workers and most recently for the nurses. In both cases this was done because these workers were thought to be essential to the safety of the public. And we'd like to know if you can tell us what exactly the policy of the government is these days. Which government workers are allowed to strike and which aren't?

**Hon. Ms. Crofford:** — In some provinces the condition exists where there is blanket legislation that covers what's called essential services. In this province, because we do believe in the collective bargaining process, we have chosen not to have blanket legislation, but to require the circumstances to be brought before the legislature in each separate instance. And I

think all governments over the history of Saskatchewan at one time or another have enacted this type of legislation in specific circumstances.

Now I think there is a difference of opinion on what might be considered an essential service and a difference of opinion on when public safety or services are at risk. And I think, if anything, these last two circumstances have pointed out to me . . . is perhaps we don't have quite the instrument we need today to deal with these circumstances. And you may know from a trade union perspective, they see this very linked to anti-scab legislation which is also controversial.

So in the meantime until we find that better instrument for dealing with these kinds of situations where public interest and public safety are in question, we're working with the tools we have, and that's to proceed with free collective bargaining as far as you can reasonably achieve that goal.

And it certainly is not our preference to use this tool. But the reason why we've made it a tool that you have to bring back to the legislature each time is that we do not adopt the position that governments should have a blanket ability to enact this kind of provision without having to bring it to the legislature for debate.

(2145)

**Mr. Toth:** — Mr. Deputy Chair, Madam Minister, I guess the concern certainly raised by power workers and the nurses . . . and I think you can appreciate for me to argue for unionized employees would not be seen as something that would be an area that I'd be really standing and trumpeting over.

I think certainly the Saskatchewan Party's policy has been a policy of fairness, but when we talk fairness we're not just talking the fact that there's an opportunity for unions to bargain fairly before the heavy hand of government comes upon them, but even an opportunity for individuals to work.

And it was interesting, just this past weekend at an auction sale a gentleman out our way had indicated he'd come and begun working at a plant here in the city. And he'd asked his employer what was the criteria that his employer could not fire him any longer. His employer had indicated that if he was there, had stayed on the job for three months, that he really wouldn't be able to fire him. It would have to be something quite drastic.

Well the employee indicated he didn't last a week. What he found very difficult was the pressure he was receiving from the union. He was not a unionized person at the time and he just found it very frustrating being in the workplace, so rather than fight the situation he left it.

And so I have to acknowledge that I have some concerns about the way unions and individuals within unions operate. And certainly even in the nurses you have differences of opinion, even amongst nurses, as to how they perceive their union functioning and serving them.

But I think the biggest concern, specifically with the last two pieces of legislation, was with the quickness. In fact it appeared the legislation was in place before even actual strike action was

taken.

Now when we look back to the Power workers or even the current situation with the nurses, I guess the question is, are there circumstances when Power workers and nurses could strike when it wasn't considered a hazard by government?

It would seem to me if we're talking about allowing a collective agreement to work, you would want to at least give an opportunity for the teams to, while they're bargaining, even if they break off, to try and see if the teams, the two parties, could come back together rather than imposing back-to-work legislation before they've even gone out on the picket lines.

And so that's a concern and I would like to hear your response to that, Madam Minister.

**Hon. Ms. Crofford:** — Well there's two responses I would give to that. One is a government has an obligation to act on information that's provided to it.

And when you have duly authorized bodies, such as district health boards, who are authorized with the responsibility to ensure health care for the citizens of the province, and they communicate to you in writing that they cannot guarantee that safety in the condition of a strike because of the numbers of managers they have that can cover the amount of acuity they have and the people that they're looking after, and also their ability to get a black and white agreement with the workers that they are dependent on, on what services will be covered and which won't, it then I presume placed them in sufficient uncertainty that they then communicated in writing to us.

At that point the government is then in receipt of a letter from responsible bodies saying we cannot guarantee the public safety. And at that point I think the government becomes certainly morally liable and liable for not acting. Because if someone dies then, the health district would say, we told you that this wasn't a safe situation and you didn't act to protect the public safety. Had they not sent us those communications, that might have been a different circumstance. But once you're in receipt, as a government, of a document where someone says they cannot ensure the public safety, it places you in a different position than if you're just going on speculation of who did what, is it soon, is it not soon.

I think the other circumstance is when the Premier believed he was bargaining in good faith and people left the bargaining table with a commitment to return the next morning, and instead of returning the next morning, issued strike notice. And I think that was also another circumstance in this event.

**Mr. Toth:** — Well, Madam Minister, a number of points you talked about there that basically caught my attention somewhat in regards to the current situations. It would seem to me, Madam Minister, that the district health boards were put in place by your predecessor, and basically by your government, to shield you from a lot of criticism when it comes to delivery of health care services. And the fact that they would send letters . . . I find it interesting that already they've got letters, you've got letters on the table before even strike action or notice is given.

And we certainly appreciated some individuals from the department who did come and talk to us about their perspective if the nurses went on strike. And their perspective didn't seem to be quite as serious. They did indicate that they would, over a period of time, they would begin to run out of the resources — no doubt about it. But they didn't give us the feeling that it was a matter of just a few hours. And I think, Madam Minister, you can't blame the district health boards because you've got a department that . . . Department of Health would certainly indicate the level of care and delivery that they could give and that was something that would be at your fingertips.

And to also argue that the Premier had been meeting with the two groups for a period of hours. As we understand, it was just a short period the Premier actually met with the actual members and then had consultations between the departments. So those are some of the concerns that we have and some of the issues that angered a number of the nurses, certainly out in our area — the fact that the impression was left that we bargained away for 11 hours when the actual face-to-face wasn't all that long. So you have to ask yourself, how can the unions feel comfortable that there is actually bargaining in good faith that was going to be allowed to take place when with . . . in view of the fact that we had legislation come down correctly. It would seem to me, Madam Minister, that what you are basically saying, in effect, is that these two unions no longer have a right to strike, that they are almost an essential service from the comments you just made. Is that not correct?

**Hon. Ms. Crofford:** — I guess one of the circumstances that you have to appreciate here is that — and I've talked this over with people who have a long history in looking at the labour question — generally how labour laws are applied and how bargaining occurs. And prior to Dorsey you had a number of small and separate unions where if one home care went on strike, if one hospital went on strike, there was always lots of buffer in terms of where you might get other services, although certainly a general strike was possible.

But one of the situations we have now with the unions amalgamated is the system becomes disabled very quickly on a very wide scale. And this is a somewhat different circumstance than ever existed in the past; in fact, this would be the first time in the history of the province that this circumstance has existed.

Now I don't think this is the end of a discussion. I think we do need to discuss what's a reasonable way to do this and how can the people who operate and are responsible, the management end of these services, have the comfort level in discussion with nurses and other health care providers that a level of service is provided that adequately ensures patient safety, while at the same time, I think, is still quite able to create the kind of inconvenience that makes the pressure of a strike one of the tools in collective bargaining.

And no doubt as we move through this and cooler heads prevail all round, we'll need to get to this discussion, but I don't think it'll be one we'll be having today or tomorrow. But again the circumstance was one that decisions were made based on the information available at the time. And I think we were also . . . although strike notice was served at a particular time, you would know as well as I do that people certainly talk in workplaces. And you don't make your final decision until you

actually have a notice in hand, but you're certainly aware that that is the action that's being contemplated.

**Mr. Toth:** — Madam. Thank you, Mr. Deputy Chair. Madam Minister, I guess you hit the nail on the head when you indicated that as a result of Dorsey, the Dorsey report . . . and there has been a number of areas and issues certainly that are ongoing in the bargaining process that have arisen as a result of the Dorsey report. And I would be remiss if I didn't say that, and acknowledge the fact that people that I've talked to, workers in the health field out in our area, when they look back at it and they basically say, had we not had the Dorsey report, had we continued to operate, yes, we'd have these little unionized groups, but most of the employees, certainly in a lot of the rural communities, didn't really feel that they were all that badly done by by having these smaller bargaining groups.

However, two of the health districts that happen to be part of my constituency were mostly represented by one union anyway; it wasn't a big change. I think certainly in the Pipestone Health District there was an SGEU (Saskatchewan Government Employees' Union) group in one community, whereas everybody else was under SEIU (Service Employees' International Union) and most of Pipestone was under SEIU.

But the feeling was that they found a way to work through their differences and they didn't really feel that it worked all that hard and that it created a major problem for them to have these smaller bargaining units. And it just seemed that certainly probably, if anything, this current round of negotiations with the nurses has probably brought to light a lot of the controversy that has arisen as a result of the Dorsey report.

And I think, Madam Minister, the strike, and the fact that the nurses went on strike and actually even defied legislation, was just a way of them venting some of the frustrations they were feeling with government and its inaction in addressing a number of the areas that the Dorsey commission had brought forward, areas of inequities that had to be addressed.

And I recognize that we're not going to settle it on the floor. It's not you and I arguing over that. But our caucus certainly is just pointing out the fact that these issues need to be addressed and we hope that the collective bargaining process will be allowed to work and that certainly the threat of further strike action . . . that the nurses will continue to allow this process to work.

I hope, Madam Minister, that SAHO (Saskatchewan Association of Health Organizations) will go to the table next time they meet, on May 10, with something a little more concrete and a little more . . . a proposal that would indicate that they are certainly recognizing the memorandum of understanding and are showing that they are willing to give and to address the concerns, rather than what I received yesterday, a call that indicated nurses felt that SAHO had actually come back to the table with less than they had left the table with. And that was something that really had infuriated the nurses.

So as Minister of Labour, I can appreciate the fact that this is an issue I think we need to acknowledge. If we're going to allow a process to work, a collective agreement, that both sides . . . while you can appreciate the union is going to come with demands much higher than what they expect to achieve and

certainly you say it can say managers are going to come with something less. But once you've signed a memorandum of understanding, you would hope that there would at least be proposals that would indicate moves are underway to address those concerns.

And I think, Madam Minister, those are some of the issues that as Minister of Labour that you have to stand up and speak for and say if we're going to provide that environment we certainly have to have a better understanding. And I hope those are some of the things that you would pass along to the labour unions or organizations or people that you would deal with on an ongoing basis, Madam Minister, rather than saying if you're not going to bargain fairly we're going to bring in strike action. I'll allow for a comment, Madam Minister.

**Hon. Ms. Crofford:** — There's a few things I would say in response to that. One is that we certainly value the collective bargaining process and Saskatchewan actually has the lowest number of lost-time days to labour disputes of I think any province in Canada . . .

**An Hon. Member:** — Western Canada.

**Hon. Ms. Crofford:** — Western Canada. And so we have done a pretty good job overall of being proactive on the collective bargaining front.

The second thing I would say is we are absolutely committed to the provisions in the MOU (memorandum of understanding) and certainly it'll be the government's intent to fully back the provisions that were in that MOU that was signed by all three parties.

And I guess the third thing that I would say that given the ability of the parties to finish bargaining that agreement based on the MOU, the legislation can by regulation be withdrawn. And it would certainly be our hope that that would be the outcome.

**Hon. Ms. MacKinnon:** — Mr. Chair, I move that we report progress.

(2200)

**General Revenue Fund  
Women's Secretariat  
Vote 41**

**The Chair:** — Before I call the first subvote, I'll invite the minister to introduce her officials.

**Hon. Ms. Crofford:** — Yes, from the Women's Secretariat, I would like to introduce Faye Rafter, the executive coordinator; and Joan Pederson, assistant executive coordinator.

**Subvote (WS01)**

**Ms. Draude:** — Thank you, Mr. Chairman. And welcome, Madam Minister, and to your officials. Madam Minister, I feel this department is one that is probably the most neglected department by this government, probably by the people of this province. I notice when looking over the budget this year, that this is the department that had the largest percentage of

decrease.

Can you give me an idea of why this would be the department, that when we represent 52 per cent of the people in this province, this department is the one that had the largest decrease?

**Hon. Ms. Crofford:** — Well I thank the member for her question. The reduction is primarily due to the sun-setting of one-time funding for specific projects such as the women's on-line program, and the rural and farm women's initiative.

And so this, all that's happened now is we're . . . and our historical funding base, but every once in awhile if we get special projects, it bumps up. And all that's happened here is the bump up isn't there, and we're on our regular base.

But I have to say that this is a highly valued department of government. We do gender analysis now in virtually all the programs of government. And I just met recently with federal minister, Hedy Fry, who said that the impact of all the women's departments, secretariats, and the ministers responsible for the status of women had, on the pension CPP (Canada Pension Plan) discussions in Canada . . . was very significant in terms of ensuring long-term economic sufficiency for older women. And it's these kinds of reasons why this secretariat exists to ensure women's economic security both in their working and home lives, but also in retirement.

**Ms. Draude:** — Thank you, Madam Minister. Before I respond to your comments, then I'd like to ask you when it says transfer for public services under the budget, if \$345,000 that was there last year and not there this year, is that to do with the women's Internet or the Internet services?

**Hon. Ms. Crofford:** — The two particular initiatives that would make up that money would be the on-line program that connected women to the Internet and helped them learn how to use that resource. And the other one was some one-time materials on family violence, awareness, the wallet cards that gave people access to knowing where to get services and whatnot. So they were one-time types of initiatives.

**Ms. Draude:** — Mr. Chairman, Madam Minister, the on-line program that was used . . . that was brought in two years ago, and you and I have had a number of discussions about, has there been any independent people looking at this program to determine how beneficial it was — people outside of your department, probably outside of your government — that could actually look at it and say if there was a benefit to the people of the . . . women of this province that were waiting to see how this \$750,000 that this government came up could be spent on women? Can you tell what kind of analysis has been done on the money that was spent?

**Hon. Ms. Crofford:** — There is an independent evaluation going on right now. But I have to tell you that every single women's group that I've met with over the past year, including First Nations, Metis, immigrant, farm women, women with disabilities, they found this to be one of the most useful and exciting programs that they've been involved in because as one mother put it to me, she can be at home with her children and not be out of contact with the various women's organizations

that she's always been involved and committed to whether on childcare issues, on violence against women issues.

And I think a lot of the women feel it also helps them out because typically they have less money for travel, to get together to meet, to send out mail, etc. Through the Internet, through e-mail, through being able to have a Web site, it vastly reduces the costs for them of communicating with people who are interested in the programs and services they are involved in and reduces the isolation of these various organizations.

And if the people who received programs are any indication of the value of programs, I would have to say it was an overwhelming success.

**Ms. Draude:** — Mr. Chairman, Madam Minister, no doubt the people that received the money are going to say it was a valuable success or it was a success because they got the money.

But the ones that didn't get it, and the other very important issues in this province that were ignored because the government decided that this was the best place to spend money for women, I believe there would be quite a number of women that would disagree with you quite violently.

I don't believe this, this program has got anything to do with the actual purchase . . . Excuse the word violent. I shouldn't use it in this room, right? Strong. They have very strong feelings about this.

Madam Minister, I think that maybe you could . . . was there any actual computer equipment purchased with this program or was it all just hookup?

**Hon. Ms. Crofford:** — The groups used the grants to purchase computer hardware, Internet connections and software, as well as to organize Internet training for members, staff, clients, and volunteers.

**Ms. Draude:** — Thank you, Madam Minister. I don't think there is a lot of point in us discussing this because I'm sure that we'll have to agree to disagree on the value of this program for the people of this province.

I was wondering if you could give me an idea of how much money was spent by your department this year on entrepreneurial incentives for women?

**Hon. Ms. Crofford:** — We're just getting a little more information for you here, but some of the conferences that I've attended on behalf of the Women's Secretariat have included the women in exporting, which was an initiative of the federal government that included all the departments of Economic Development across Canada as well as people who worked closely with women. And I would say that our main role in that is not to provide the service directly because that's the role of the Department of Economic Development.

But through our economic indicators we'd be able to determine how many women are in small business, how they're doing economically, what some of the barriers are so that as we're involved in policy discussions in government about economic

development, about financing, we're able to make comment on things like the small business loans associations for women, the . . . I certainly thought the women in export was one of the most important programs that I've seen.

But we also, in our speeches and in our presentations to people, certainly urge women to access those resources that enable women to participate in business. And women are in Canada one of the largest growing sectors of people involved in small business and in successful small business.

So we see part of our job as to encourage women in those directions, to let them know where the resources are, and we did publish last year a guide to funding for women in small business. So we think it's a very important area of development. I've been out . . . I've been invited to speak for example out in Swift Current to the local women's business organization and a lot of the women there are doing small businesses either out of their farms, out of their homes, or out of the business district of their community and there's no question it's creating a lot of value-added economic development to those communities.

**Ms. Draude:** — Mr. Chairman, Madam Minister, of course women and employment is a very important issue to me and to everyone in the Saskatchewan Party and we see more and more women entering the paid force and deserving well-paying jobs. And I note with interest that you have developed an analysis of the education and training needs of women being prepared for employment. Could you summarize what this analysis is?

**Hon. Ms. Crofford:** — I think rather than take too narrow of a take on it, when we developed the provincial training strategy we basically said to employers, to training institutions, to anybody who's involved in education and training in the province, that we required a system that was much more responsive to employers' needs, and within that strategy made a commitment to questions of diversity within the training strategy. So in all the services and programs that are being developed, the department is seeking to create a balance, a gender balance, a balance amongst aboriginal people, non-aboriginal people, immigrant people, disabled people — the notion being to try to get everybody actively involved in a very responsive labour market development and training system.

So women are an integrated part of the larger training strategy which is meant to be responsive to employers. And when employers tell us that they're not getting the responsive services that they need, people go out from the department directly to try to determine what isn't working and we try to get those things straightened out and get the training and services to them that they need.

So the women are an integral part of that effort. However, there are still some specialized programs in areas of bridging programs, helping people who have been out of the workforce for a long time re-enter the workforce, those kinds of things. But it's generally part of the province's training strategy of which the Women's Secretariat again would have been a part of the policy development of that strategy.

**Ms. Draude:** — Thank you, Madam Minister. Mr. Chair, I also note that the Women's Secretariat, you've developed a resource

manual to support workplace implemented . . . to work to support workplaces, implement family-friendly workplaces. I guess I'm not familiar with the publication and I'm wondering if I can receive a copy of it?

**Hon. Ms. Crofford:** — Certainly, and we appreciate your interest. Our whole purpose in starting this discussion was it seemed that more and more people were talking about it and there were discussions that took place for a year around the province culminating in a conference.

And it was interesting because whether it was small business, large corporations, government, self-employed people, there's just a whole range of people with an interest in this topic.

We are not totally clear on where we will be able to go from here but in the absence in the next steps being taken by government, communities are continuing to have these discussions and employers are continuing to pursue how they can improve circumstances in their workplace.

And within the Public Service Commission we now have a person seconded who is working on how to develop more family-friendly policy within the Public Service Commission.

**Ms. Draude:** — Mr. Chair, Madam Minister, this publication that you have developed, I was wondering if you could describe what this document actually provides. I think it's the type of information that probably would be valuable. And maybe you could also let me know what the cost was to develop this publication?

(2215)

**Hon. Ms. Crofford:** — Yes, I was just getting it straight because there's two reports. The first report was the report of the task force, which were the group that went around the province and met with people and held the conference and whatnot. And they made a series of recommendations on what kind of things would be helpful in the ongoing development of both policy and practice around balancing work and family.

Now the second thing we're doing is a document that will actually start to provide people with more information about some of the best practices that are going on in the province so that people who want to use those as a model will be able to build on the experiences that have happened in other places. And we find quite often that it's better to build on people's willingness to move forward in these things than it is to necessarily legislate or require that people do these things. And we certainly haven't seen yet a lack of interest in it.

So the first stage was the task force report, which we can certainly provide you with. And the second stage, we'll start moving more into the area of practice.

**Ms. Draude:** — So then just for clarification, Madam Minister, this resource manual, this publication is . . . it hasn't been developed yet; you're still developing it. So there's cost involved in that that's still being worked on. Then the information that I've received, when it said it was a developed publication, it hasn't yet been developed.

**Hon. Ms. Crofford:** — There may be a little bit of confusion. There was an old . . . an old one was done more as, I guess, a discussion-starter back before the task force did its work. So we have an old report, we have the task force, and now the work that's being done to take this work to the next step. And I imagine that, without being too specific, it won't be any more costly than other publications that we've been involved in doing.

But in order to empower people to have this discussion, there needs to be some information for them to work with.

**Ms. Draude:** — Mr. Chairman, Madam Minister, the balancing work and family task force that you mentioned earlier, I understand that the report has been completed. But I'm wondering what is happening now. What is the government's commitment to actually carrying on or working with the recommendations that was brought out in this report and how is your department actually lobbying the government and the different departments to make sure that this is something that is looked at? Or was the \$750,000 that was being spent on it just a tabled publication that will never see the light of day again?

**Hon. Ms. Crofford:** — Maybe I could just go over some of the things that have already been done. Now earlier on as we were moving into consideration of this discussion, we did implement some measures to support work and family. And some of that was changes to The Labour Standards Act to improve maternity and other family-related leaves. Other amendments included a reduction in the qualification period for maternity, parental and adoption leave; the introduction of 12 weeks parental leave in place of paternity leave; and an increase in adoption leave from 6 weeks to 18 weeks.

In the area of part-time work, for parents who are struggling to balance work and family responsibilities, we amended some of The Labour Standards Act to support part-time workers by providing pro-rated benefits.

And the Women's Secretariat offers workshops on balancing work and family responsibility, and as well provides practical advice to employers on how to create a family-friendly workplace. And the Secretariat has distributed work and family information packages to assist individuals in the workplace.

And then, as an employer, the government provides access to programs and policies that help employees achieve a better balance between work and family. And that of course includes employee benefit programs as well as counselling and family support. But it also includes flexible start and stop times, job sharing, variable hours, pressing necessity leave, which add to the quality of both work and life.

Now we'll also be taking this discussion up with the ministers responsible right across Canada. And again, in meeting with Hedy Fry just recently, who is the federal minister, she's certainly concerned about these issues, and I think what would be ideal if we could have both the federal and the provincial government come together to look at how we can create a more family-friendly environment generally in Canada so that people can be both active in the workforce but also can still maintain their commitments as family members and members of the community. And I think it's one of the real modern challenges

for governments to keep this perspective on the people's need to look after those around them, to nurture the little people, and also to look after aging or in other way ailing family members.

So we may see changes over the next few years from all levels of government in tax policy and other things to recognize the caregiving roles that we still want to hold onto in our society.

**Ms. Draude:** — Mr. Chairman, I'm delighted to hear the minister mention the word changes in tax policy because I think that's probably one of the very most important issues that could be dealt with in the whole report on balancing work and family task force. I would imagine in your dealings with people or women around the province you'll find that many of them are finding that going to work is something that they have to do in order to keep food on the table, but when it comes to actually making sure that their family life is a priority, they would prefer to be at home, or they would at least like there to be a choice to be at home.

And because of the tax policies and the amount of money that goes out of every paycheque in this province to the government, there really isn't a lot of option for the people in this province to actually to stay, to actually balance a family. They're too busy trying to balance the cheque book.

Madam Minister, when we talked about some of the initiatives that this task force looked at and you talked about leave going from six weeks to eighteen weeks, now is this something that's a recommendation, or is it something that you've already lobbying the federal government so that there could actually be EI (employment insurance) benefits for someone that has — an adoptive parent, for example, that would like to spend time at home — have you lobbied the federal government for those changes to some of these policies, or is it still just in paper and the ink isn't dry yet?

**Hon. Ms. Crofford:** — For the very specific changes I mentioned, those are part of Saskatchewan labour policy which I'm glad I can count on you to support. But as far as the tax changes go, I think the federal government has done a little bit on the area of caregivers, but one of the things that Hedy and I discussed, which is certainly an issue, is that these . . . to start to move into the area of tax benefits is very expensive and one has to be thoughtful about what it is you're giving some tax incentive for and how far you go in providing those incentives and whether you cap them or whether you do them per child or how you do them, but it's definitely worth doing the work to take a hard look at whether there's a way we can be more supportive.

One of the interesting facts, when we were doing the work on women's economic security is, if you take a young man and a young woman of about the same education doing about the same kind of work, their wages are pretty similar.

When women's and men's wages really start to part company is when women enter the workforce and then have children, and it's the family considerations, I think, that have a lot to do with women's declining economic position as they move into the years when children are a big part of the equation.

And so, I do think we need to take a look at this from the point

of view of women's economic security and pensions and what not, as well as from a nurturing perspective. And again, as I mentioned when we talked about it, policies in this area are very expensive, but I think it shouldn't deter us from looking at what we can do and what makes sense to make it a little easier for people to balance the decision to have children with the desire to keep active in the workforce.

**Ms. Draude:** — Thank you, Madam Minister. One of your colleagues was commenting that taxes had very little to do with family life and balancing life. I think that many people in this province would beg to differ because it has everything to do with the fact that sometimes your life gets a lot more complicated because of what you have to take home at the end of the day. And I don't think that anyone can deny that. If they do, then I guess maybe I'd like to see how they balance their cheque book.

Madam Minister, sexual harassment is becoming more and more prevalent in the workplace, regardless of the incentives currently in place. Could you indicate what kind of numbers are being reported on sexual harassment to your department.

**Hon. Ms. Crofford:** — What we've found is that 23 per cent of . . . and we only have the Canadian figure here because sexual harassment is dealt with in many different places — some by the Human Rights Commission, some in the occupational health and safety, and some through inquiries for training to the Women's Secretariat. So there isn't one single place where the information is collected, but it's estimated that 23 per cent of Canadian women have encountered work-related sexual harassment.

Now on a positive note, since we've included sexual harassment in occupational health and safety legislation, and since we've prepared through that branch a guide for workplaces, incidents of harassment are declining considerably once people have a clear understanding of what's considered harassment, and what remedies can take place within the workplace if people feel that harassment has taken place.

And certainly our goal was with these workplace committees, was to get those problems resolved within workplaces without them having to go out to independent tribunals to get resolved. The idea is to solve the problem as close to the source as possible.

**Ms. Draude:** — Madam Minister, can you give me an idea of how many workshops you had on sexual harassment this year, what the cost involved is, and can you give me an idea if most of the government departments or all of the government departments have actually asked for this workshop for their departments?

**Hon. Ms. Crofford:** — Okay. In 1998-99 we had 500 requests for information and resources, but training specifically has been delivered to over 700 private and extended public sector employees, and we do charge a fee to help defray the cost of some of this training. So there's also 500 participants from non-profit organizations free of charge have received training as well, and there was also informational sessions delivered to about 200 individuals. So this would be the amount of training that was delivered over the past year.



**Ms. Draude:** — Madam Minister, have most of the government departments taken this training or is it an area that is still being looked at, at this time?

**Hon. Ms. Crofford:** — It's our belief that the majority of the public service has had opportunities to participate in this training. It would be best probably to ask the minister responsible for the Public Service Commission that question because we've done train the trainer workshops. And once we train trainers they then go on to deliver that training in other areas and we then sometimes lose touch with how much training they're delivering because they're off then doing it themselves. So I think that question would have to be asked to the Public Service Commission.

**Ms. Draude:** — Mr. Deputy Chair, Mr. Chairman — please pardon me. Madam Minister, one area that we haven't touched on, and I think is probably one of the biggest concerns that I have and probably you as well, is the issue of Native . . . of our Aboriginal people and how they are being dealt with, especially the women. And lately we hear a lot of talk about elder abuse, and I'm wondering if your department has been looking at this issue, and how you are monitoring or how you are dealing with the very real needs of the Aboriginal communities outside of the reserves?

(2230)

**Hon. Ms. Crofford:** — That's a specific issue. Because the seniors' secretariat resides in Social Services, I think that a lot more of the work that's been done around that issue has probably been done both through the areas of health and social services. Our main involvement would not be in doing that work directly. However, we do work with Aboriginal women's groups to help them improve their capacity to deal with issues in their community, to deal with their governments, to participate in their own governments. And also we are working on a comprehensive profile of Aboriginal women that will help them target some of the areas that they want to address in their communities.

I had the benefit of going to such a conference with all the elected women chiefs and councillors and representatives of the various bands in Saskatchewan, and one of the very interesting presentations they had there was on health data in Aboriginal communities. And it certainly gave you a strong impression of what the most pressing issues were that needed to be dealt with in those communities. And so I think the profile that we're working on now when we sit down to discuss it with the Aboriginal women will be equally helpful.

But again, the elder abuse question particularly I think is more readily taken up with the senior secretariat in Social Services.

**Ms. Draude:** — Mr. Chairman, Madam Minister, thank you. The meetings that you had and the discussions with the chiefs and some of the other Aboriginal people you discussed, would mostly be dealing with issues on reserve, because a lot of the people that these chiefs would be working with live right on the reserve. And the ones that I think you're probably just as concerned about are the Aboriginals that are living off the reserve and are being dealt with through areas like Social Services.

I know that a lot of single young women on social services are Native, and I would imagine there are very difficult issues surrounding their lifestyle. And I'm wondering if there's anything in place right now to deal with them specifically, and if your department is working with Social Services in a way that could actually bring some of the education that you have to the recipients of social services in a way that again, the information isn't going to be gotten and then just stored on the shelf, not received by the people that could benefit most from it.

**Hon. Ms. Crofford:** — I guess there's two responses to that. In our policy work, we've really made an effort over the past couple of years to make sure that all our policy information is integrated and that Aboriginal women, disabled women, etc., are well represented within the evaluation that we do and then have access to good information that they can use within their own tribal councils and what not.

But what you'll find these days is that most of the tribal councils are very conscious themselves of the need to represent their urban members and I doubt that there's any large centre now that doesn't have tribal councils providing urban services. And certainly true in Regina, it's true in Saskatoon, it's true in Yorkton, it's true in P.A. (Prince Albert), it's true in North Battleford.

So the women themselves who are part of those tribal councils I think are very active in provision of those services and probably because we're not a direct service delivery agency, we work more on the level of facilitating their empowerment to deal with these issues, their knowledge of the issues, their ability to bring forward the facts and the statistics; but it would be more Social Services that coordinates with the tribal councils that are working in the urban areas. But I don't think there's any band that hasn't become conscious of the need to serve their urban populations.

**Ms. Draude:** — Mr. Chair, Madam Minister, you talked about the cities, Saskatoon, Regina, P.A., Yorkton, that are dealing with urban . . . and the Natives that are not living on the reserve that are living in the urban centres, but there are of course very many Natives living in towns like Humboldt, and Wadena, Kelvington, places like that. And they will not have access to the information that they do in the bigger centres.

First of all, do you have any idea of what percentage of the . . . of the Native, especially women, living off-reserve are in this bigger urban centres? Is that a large percentage of them?

**Hon. Ms. Crofford:** — We know that it's probably approaching about 50 to 60 per cent, I would say. Whether it's larger than that I would start to feel on uncertain ground, but it is a very large proportion of the population. The other thing I would say is there are also programs funded that serve primarily urban, inner-city populations and those would be funded from the Department of Social Services, through the Associated Entities Fund, through the child action plan, through a whole range of mechanisms.

So there would be a lot of instances where there's also services being provided directly through organizations like Youth Unlimited and others to the population that you're talking about. And I think more and more these organizations are

integrating their efforts and working together to do that.

But again, we don't direct fund any of those services. We just try to work with the women to make sure that they are empowered to both articulate what they believe the problems are for their communities, but also to act on them and to have their voices heard within the decision-making bodies that affect them.

**Ms. Draude:** — Mr. Chairman, and Madam Minister, I think that one of the big opportunities or challenges that you may be facing is to make sure that the young women in the school system right now are aware of the special issues that surround women's jobs, workplace issues. And I'm wondering, with the many publications that you're putting out, if there's any publication directed to school-aged children that can start bringing them up to date with some of the issues they'll be dealing with when they leave school and start entering the workplace.

**Hon. Ms. Crofford:** — There would be a few things. There has been an agreement signed between the Department of Education and both the First Nations and Metis community on curriculum development and curriculum material that's I guess culturally appropriate within the schools. But also the Women's Secretariat has done a brochure on date rape, and we also do training on request again on these kinds of issues.

But these . . . again I think working on a more integrated model, there's an attempt made to integrate this stuff within the curriculum and also to make sure that the materials that are being used in the schools today are more representative of the actual students that attend those schools.

**Ms. Draude:** — Thank you, Madam Minister. I'm reading the budget, and it looks to me like the number of staff that the Secretariat has is 14; is that correct?

**Hon. Ms. Crofford:** — Yes, that's correct. It increased by one this year.

**Ms. Draude:** — Madam Minister, we've discussed a number of programs and publications and issues that the Secretariat has worked on in the last year. And I also see that one of your mandates, one of your goals, is that you monitor government departments to make sure that women's concerns are looked into. And the whole idea of women's issues right across the whole span of this province is looked after by your department. Now to have that all done by 14 women is a remarkable job. Maybe we should be giving some lessons to some of the other departments.

But at the same time, I'm wondering how we can possibly say that we can look at every issue and look at it in one department and ask them to look across the whole government spectrum and get this work done. I'm wondering if you don't have many comments with your cabinet ministers saying there has to be another way to make sure that we don't just put it in one little department somewhere, and run it by the Women's Secretariat when really the issues should be dealt with in every department, on every Bill, in every aspect.

So we don't have to just single the Women's Secretariat out or

women out as this is their issue; this is their department, give them a million bucks and tell them to stay home. This is, to me, something where I think rather than putting women in one little department, I think we should be doing a lot more screening to make sure the government is looking at it right across the broad spectrum.

**Hon. Ms. Crofford:** — Well partly it's an educative process and as there are more women sitting at the cabinet table, as there's more women sitting in caucus, as there's more women managers in government, as there's more women in policy roles, the Women's Secretariat, I think, has helped to develop a larger view in government of these questions.

And I don't think they would mind at all if you would lend support to the notion that they would have more resources to do the work that they do, but it is also an educative task. And once people have embraced the idea and taken it to heart, it certainly becomes easier to do this work and people become more sensitive to the issues.

I think today, for example, you would know that there's issues about parenting that are readily understood by both men and women and it's been part of an evolution of the way that we think about these things. So I think that's partly what the Women's Secretariat is involved in is helping evolve the thinking of government on a range of issues. But they do participate in some interdepartmental committees where their participation creates a wide scope of impact.

**Ms. Draude:** — Madam Minister, I just want to thank you and your staff for being here. And I know that after the next election there's probably going to be a lot more women in the House. And I would also think there would be many changes to many government departments because of the changes in the House, and I'm sure that we're all looking forward to it.

Subvote (WS01) agreed to.

Subvote (WS02) agreed to.

Vote 41 agreed to.

The committee reported progress.

The Assembly adjourned at 10:44 p.m.

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