



# **STANDING COMMITTEE ON HUMAN SERVICES**

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## **STANDING COMMITTEE ON HUMAN SERVICES**

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Mr. Cam Broten, Deputy Chair  
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Mr. Glen Hart  
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Ms. Judy Junor  
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Mr. Serge LeClerc  
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Saskatoon Sutherland

[The committee met at 12:15.]

**Bill No. 80 — *The Construction Industry Labour Relations Amendment Act, 2009***

**The Chair:** — Good afternoon ladies and gentlemen. We are here again for the Human Services Committee work on the Ministry of Advanced Education, Employment and Labour on the consideration of Bill 80.

Today in committee we have substituting for Mr. Cam Broten, Mr. Kevin Yates. And substituting for Ms. Judy Junor is Mr. Andy Iwanchuk. On my right is committee member Serge LeClerc. Substituting for Jocelyn Schriemer is Mr. Wayne Elhard. We have committee member Mr. Glen Hart, and substituting for Ms. Doreen Eagles is Mr. Denis Allchurch.

We have been allowing approximately 30 minutes per presenter although that's been fairly loose — 20 minutes per presentation, roughly 10 minutes for question and answer — but we will allow more.

We're here, as I said, for consideration of Bill No. 80, *The Construction Industry Labour Relations Amendment Act of 2009*. Again I remind members we are through second reading, so the Bill has been accepted by the House in principle, and we remind members that questions are to be relevant and adhere to the contents of the Bill.

Presenters have brought along written submissions, have been nice enough to give them to the Clerk. And they are tabled with the committee and become public record upon that tabling and can be viewed by witnesses at [legassembly.sk.ca/committees](http://legassembly.sk.ca/committees). Seating is limited in our room. We do have 25 available. We do have some available, I see, right now as well as a few media seats. And we encourage public to attend because this is a public and open consultation process.

First up today, I guess, our only official presenter today is the Communications, Energy and Paperworkers Union. I'd ask for representatives to introduce themselves for purposes of Hansard and for committee members. Thank you very much.

**Presenter: Communications, Energy and Paperworkers Union**

**Mr. Coles:** — Good afternoon committee. And my name is Josh Coles, and I am with the CEP, the Communications, Energy and Paperworkers Union. I am the national construction coordinator for the union based in Ottawa.

**Ms. Sol:** — Wendy Sol, administrative vice-president with CEP, western region.

**The Chair:** — Thank you very much and welcome. And I'd just ask you continue with your presentation.

**Mr. Coles:** — Thank you, Mr. Chair. And again thanks to everybody for having time for us. You have before you our written submission. How I propose to proceed is to read out the submission but not all of it. I'll leave out some big chunks of law and have you refer to the written submission for those

details. But I have timed this presentation, so I think I am within the scope. And this way we can, I believe, we can get through all the major points that we want to make, and then we can have some questions.

The title of our presentation is called The Right to Unionize. And the first thing I want to say is that the CEP is a union of 150,000 workers from every town, province, and region in Canada. Our members work at nearly every trade, every occupation, and we are active in every major industry in our economy.

In Saskatchewan we enjoy the support of over 10,000 members. We are active in Saskatchewan's telecommunications, potash, uranium, energy, and forestry sectors, and we are signatory currently with about 45 employers through traditional union certifications.

Until 2005 CEP was exclusively an industrial union, representing and organizing only non-construction industries. So everything outside of construction was considered to be industrial. However, for 100 years or more, the CEP and its predecessor unions have fully represented over 900 skilled trade members in Saskatchewan. These skilled trade members work in the same bargaining units and under the same collective agreements as our members from other occupations.

The CEP's skilled trade members have earned the exact same trade certifications as their counterpart construction colleagues. And these veteran CEP pipefitters, carpenters, boilermakers, iron workers, electricians, millwrights, etc. all work at CEP certified Saskatchewan-based employers such as Mosaic Potash, SaskTel, SaskEnergy, Sask Water, and the Consumers' Co-op Refinery here in Regina, as well as Areva Resources and dozens of other employers who rely on skilled trades to operate and perform day-to-day maintenance of their business facilities.

The only distinction between CEP skilled trade members and their construction trade counterparts is that they work at an employer not considered to be part of the construction industry and belong to a union not designated as a construction union by Saskatchewan's current construction legal framework.

Over four years ago, CEP became directly active in the construction industry. We started in British Columbia and then grew into Alberta. And in 2005, the BC [British Columbia] carpenters union merged with the CEP which led to our organizing construction workers in Alberta. It's the BC carpenter's union where I hail from.

Today we represent over 5,000 construction workers and our construction division, the Construction Maintenance and Allied Workers or CMAW, is a leader in construction union organizing, construction union representation, and construction trades development.

The CEP is a unique union in its construction. We are headquartered exclusively in Canada, and 100 per cent of our dues remain in Canada. We strongly believe in union democracy, and we are the only construction union where the majority of our national executive board is constitutionally required to have rank and file members be in the majority. Our

highest governing body, our national convention, is conducted every two years where all of our officers are routinely challenged in fair and open elections. Our construction collective agreement matches or exceeds industry standards, and we file more grievances and defend more members aggressively than the norm. Our safety records are second to none, and our membership involvement in improving all aspects of the construction industry are unmatched.

The CEP and CMAW represent construction trades, and we structure and organize ourselves predominantly on what we call a wall-to-wall or, i.e., all trades basis unless on a craft or single trade basis. I just want to stop here and say we had nothing, you know, philosophically in opposition with the craft trade-by-trade basis. It's just that we found it doesn't work very well.

CEP has a solid record of supporting union organizing. Increasing union density in the construction industry is one of our prime goals. And the CEP has had some good success at unionizing construction workers using a wall-to-wall organizing model that industrial unions have been using for over 100 years in Saskatchewan. While not new, the industrial model is clear in its guiding principle. Workers' solidarity with each other is paramount regardless of occupation or trade guidelines.

Traditional construction unions have historically used the craft model in organizing, representation, and in bargaining. While there may be a historical explanation for this system, it is clearly a system with minority influence over the construction industry. All stakeholders accept the fact that 19 per cent of Saskatchewan's construction industry is unionized. The CEP submits that any labour relations regime with less than 20 per cent participation is ineffective at stabilizing or harmonizing labour relations in the province.

A debate over the merits of the current labour relations system is a moot discussion since less than one in five construction companies and their employees participate in it. A tool is only useful to those who have access to it, and unfortunately and sadly, over 80 per cent of Saskatchewan's industry does not have access to this current labour relations system.

The CEP has long argued that most labour relations legislative frameworks in Canada are broken, and we regularly advocate for reform. The CEP believes that Saskatchewan's low unionization rate is just one example of how the current construction regime is broken. The CEP submits that, like with other legislative regimes, the current construction legal framework in Saskatchewan restricts, impedes, and obfuscates workers' rights to organize. We say this framework should and can be improved.

As we set out below, Bill 80 offers some improvements. We make this analysis using the same principles used in our criticism of other labour code amendments that this very legislature has made. Our criticism of this government's 2008 Bill 6 amendments to *The Trade Union Act*, for example, relies on the same core principles we use to support Bill 80.

The CEP submits that all workers should have the right to freely associate and bargain collectively; all unions have the right to freely organize, represent, and defend the interests of their

members; and that government legislation needs to evolve in step with shifting economies and demographics so as to always protect workers' rights to freely associate.

Using these principles as our foundation, we submit that Bill 80 properly amends *The Construction Industry Labour Relations Act, 1992* in the following ways. It awards and protects construction workers' rights to freely unionize. Bill 80's proposed section 4 states that bargaining may be conducted provincially by trade between an employer's organization and the appropriate trade division for that trade, but this expanded provision now also gives a construction worker other options, including giving her a right to join the CEP or any other union. It allows a union to organize and bargain along a modern wall-to-wall basis and act on behalf of a total group of employees and not just one craft or trade.

Under the proposed amendments, this can be done regardless of whether the minister has designated a trade union as being appropriate to bargain on behalf of a skilled trade. This amendment is critical for any construction worker who wishes to join the CEP. This is a right presently denied by section 9 of the Act.

And I go on to copy section 9 of the Act and I won't repeat it here, but in the Act it states that the minister has the authority and the power exclusively to designate the proper trade union for construction bargaining, and it's the exercise of this power that the minister made on December 2, 1992, when he designated trade unions affiliated with the Building and Construction Trades Department, AFL-CIO [American Federation of Labor and Congress of Industrial Organizations] of the United States of America as the representative in the trade division in Saskatchewan.

I just want to take a moment here to say that that made sense at the time. That was a good thing. That was something that certainly everybody can hang their hat on, but what I also say is that there's room for more, and there's certainly room for improvement.

The result of these designations is that the employees who work in the construction industry in Saskatchewan cannot be represented by any trade unions other than the AFL-CIO building trade union designated by the minister. In addition, those employees cannot form appropriate bargaining units in configurations other than those based on those trade lines.

In other words, section 9 of the Act exclusively empowers the minister to designate the unions qualified for operations within the Saskatchewan construction industry. Under the Act, a construction worker does not have the freedom to choose which union she wants to represent her in union organizing, bargaining, or representation. Instead section 9 of the Act grants this power to the minister. This Act substitutes a decision of an affected employee for that of the minister.

The CEP submits that for these reasons and others, section 9 of the Act is in contravention with the Canadian Charter of Rights and Freedoms, section 2(d). This contravention flows from the Act's restriction of a construction worker's right to freely associate. The Act and the minister's directive prohibit the CEP from free collective bargaining on the basis of our — the CEP's

— organizational characteristics.

In a 2001 decision, the Saskatchewan Labour Relations Board found that the restrictions imposed by the Act on organizing in the construction industry did not violate the Charter. In this often-cited Central Mills Saskatchewan Labour Relations Board decision, the board relied on earlier decisions of the Supreme Court which had upheld legislative action which restricted employee choice of bargaining agents to trade unions incorporated by a legislative body. But the CEP submits that a subsequent Supreme Court of Canada judgment, called the Health Services, profoundly impacts the freedom of association in the labour context. As stated recently by the Ontario Court of Appeal, “the legal landscape has been altered . . . in this area by that judgment.”

The BC Health Services established that collective bargaining is indeed a constitutionally protected activity. Section 2(d) of the Charter includes the right to association in unions to pursue collective bargaining even though this activity is, by its very nature, one that is carried on collectively. As my friends may here know, the CEP has taken this exact same position in our objection to Bill 6 last year. We raised a lot of Charter arguments which continue to this day.

[12:30]

The CEP argues that BC Health Services, celebrated as a union victory by nearly the entire Canadian labour movement, shines a bright light on the darkness of section 9 of the Act. The Act, left unchanged, clearly interferes with free collective bargaining. On June 10 of this year, the CEP filed a notice of constitutional question with Justice Canada, and with the Department of Justice Saskatchewan under *The Constitutional Questions Act*. In brief we question the constitutional validity, applicability, or effective section under the Act and we await judgment.

We also say that Bill 80 ends the Act’s contradiction with *The Trade Union Act* of Saskatchewan, and I go on to quote section 3 of *The Trade Union Act*. An essential aspect of collective bargaining is recognition of the majoritarian principles referred to in *The Trade Union Act* in section 3. These principles arise at every stage of collective bargaining process, and they involve — and I underline this — the selection of a trade union, the obtaining of a certification, the negotiation of a collective agreement, the taking of a strike vote, the ratification of a collective agreement, and if necessary, the decertification of a trade union.

All these actions are propelled by a majority group of workers, not a minority. However under section 9 of the Act, even if the majority of the construction workers employed by any construction employer choose the CEP to represent them, they do not have the right to make this selection. The CEP submits this prohibition is in contradiction to section 3 of *The Trade Union Act* by (a) denying the right of workers to form a union; (b) the right of workers to bargain collectively through a trade union of their own choosing; and (c) to bargain collectively within the principles of majority rule. Bill 80 addressed these problems by opening up the rights of workers to include self-determination and free choice in unionization.

My final remarks. As noted above, the CEP has a long history on advocating for legislative reform. Across the country, we are frequently consulted by governments on legislation prior to the drafting of the types of major changes proposed in Bill 80. The CEP was not, however, consulted by this government on the development of Bill 80. We submit it would have been more just and democratic for this government to consult with the CEP and all interested unions and stakeholders prior to the drafting of this legislation.

While the CEP is new to construction, we look forward to defending the rights of construction workers in Saskatchewan. The CEP has consistently defended workplace democracy, and our criticisms of 2008 Bill 6 is consistent with our principles we use to support Bill 80.

The existing construction labour relations system is underutilized, and therefore it does not produce efficiencies or stability. The CEP, a bona fide trade union of 10,000 members in Saskatchewan, is prohibited by a flawed statute from opening its doors to non-union construction workers. The CEP submits that Bill 80 is necessary legislation to protect the rights of workers to freely unionize.

I have three more points I want to make before we close. The first is to advise the committee of some work that we’re already doing to improve the access to construction for those groups that are traditionally underrepresented. The CEP has already funded, co-funded along with SIAST [Saskatchewan Institute of Applied Science and Technology] at the Wascana Campus, a course targeted towards Aboriginal women who are considering construction. If you consider construction and you’re new to it, it’s quite overwhelming. So there’s a course being put on by SIAST along with ourselves to, what we call, explore the opportunities for themselves in construction.

We just had our first graduating class on June 20. We gave a speech there, which we liked. And if we were a union in Saskatchewan, we would try to employ them on our jobs. But we are doing things across the country like this, where we’re trying to be open-ended and open-minded about reaching out to those who traditionally aren’t involved in construction because we see the trade shortages that affect Saskatchewan and all the provinces as chronic.

The second point I want to make is about some of our competitors. The CEP is unique in construction. We come from a long history of being militant. We have come from a long history of being aggressive in organizing, and we know that not all parties like this. But we have more than just a traditional labour movement that has some questions about us. We also have many opponents in other unions.

For example one of your presenters has been the Christian Labour Association of Canada, or people call it C-L-A-C or CLAC, right? We have had long, very difficult relations with CLAC. We’ve had a long fight with them that will continue obviously, in terms of our philosophical and ideological differences with them. But that is what it is. You don’t always get to pick the people in your village.

And what I want to say is, is that some of the things I’ve read and heard, of course, about us is that what we’re trying to do is

to take the space in Saskatchewan's construction market that is 80 per cent — it's 80 per cent non-union. We think we can offer good services and opportunities for our members if we were to organize in Saskatchewan, and we think that there's room for everybody to move. So we're looking forward to a progressive and positive future in Saskatchewan — one that increases labour harmony, not causes more division.

The other problem I wanted to raise is about the trade shortages in a specific way for the economy of Saskatchewan. It is incredibly important, I believe, that all governments at all levels in Canada get a handle on, for once and for all, the apprenticeship issues that lie before it. There is approximately, according to most figures, a need for 200,000 new construction workers in Canada in the next 10 years.

That's just to keep up with the demographics of attrition and with the continuing booming economy, into construction economy in most parts of Canada. There's a need for 200,000, but all the apprenticeship programs combined in all the provinces, including Ontario and Quebec and this province, can only produce about 50,000 new journey persons of all trades in the next 10 years. So we have a chronic shortage that nobody disputes. And we think all players need to address that issue directly which is what the CEP's trying to do through the funding of new apprenticeship programs.

If we don't get a handle on this, what's going to end up happening — we submit and others have said this before you — is you have delayed projects; you have a delayed economy. Construction needs to be done in order to make the economy go, and we think we can be a good part of that. Thank you.

**The Chair:** — Thank you very much, Mr. Coles, for that very detailed and somewhat brief presentation, but covered a lot of bases so thank you very much. That gives us a lot of time for questioning, so I'll open the floor for questions right now. First questioner is Mr. Yates.

**Mr. Yates:** — Thank you very much, Mr. Chair. I have a number of questions. We have heard very diverse and very conflicting presentations over the last three days. And we've had a — to say the least, I would suggest — a difficult history in the construction industry in Saskatchewan if you go back over the last approximate 30 years. In a period . . . And I can't say that I fully understand it by any stretch of the imagination, although I think I have a fair handle of it.

But prior to 1979, Saskatchewan had considerable unrest in the construction industry — strikes, great deal of difficulty; strikes, virtually every two years — an environment in which everybody was trying to undermine one another. And it resulted in considerable unrest and difficulty in the industry. So both employers and the unions of the day asked for a piece of legislation which was put in place in, I believe, in 1979.

Then in the early 1980s, when the economy wasn't quite as robust as it was earlier, the then, I believe it was called, CILRA [*The Construction Industry Labour Relations Act*] of the day was repealed by the government because it couldn't come to an agreement.

Then we had a period which . . . And at that point of time, my

understanding is 80 per cent of the construction workers in Saskatchewan were unionized. The doing away with the legislation allowed the situation of double-breasting — non-unionized companies to be created by the same former unionized companies. And we saw employers take that opportunity in a rush to decrease wages and benefits. And by submissions, about 5 per cent then of the industry was unionized. It's now built back up over time and subsequent changes to labour relations or to the labour relations environment, subsequent legislative changes to about 20 per cent.

So part of your submission says, well there's a vast 80 per cent out there un-unionized, unorganized. That would be true.

But one of the problems in the 1970s was this competition between unions and employers. And it resulted in instability, fighting, raiding, and all types of problems, right? What's to prevent that from happening again if we open it up to any or all unions and creating that? The competition then becomes between the union contracts versus between the employers and their bidding. What's to prevent that instability, strikes, strife in the industry that doesn't move the economy forward?

**Mr. Coles:** — Very good question. I'd like to say three points to that. The first is that, although you may not see strife when there is 80 per cent non-unionization, there is incredible unrest in construction and chaos in construction right now in Saskatchewan, I would submit. And the chaos in construction or the lack of efficiency in construction shows itself in a couple of ways.

One is that there isn't a lot of encouragement, even though the government sometimes does a good job and all the unions sometimes do a good job. There isn't a lot of encouragement of people to get into the trades like there was back in the '70s. There is less encouragement now, and as a result we end up with trade shortages. And when you have trade shortages, you have an economy that just doesn't fire on all cylinders.

So the first thing I would say to you is that I think there would be more productivity or higher productivity for Saskatchewan's construction industry if more of it was unionized. I mean, that's my *raison d'être*. That's where I come from. That's what I'm about, right? So I would submit first off that there is an underground sort of tension, if you will, that you may not see it itself in, you know, in terms of big strikes and that kind of stuff. But it's still there. That needs to be fixed if Saskatchewan wants to have a continuing booming economy.

The second thing I would say is that, I mean, it always takes two to tango, right? There is nothing in the existing legislation — there's nothing even in Bill 80 as you're surmising — that would create instantaneous peace in the land amongst employers and unions or unions themselves between each other, right? What needs to happen for a proper functioning construction industry is a good, regulated dialogue, a good process that allows all of us to have our differences and grievances properly handled, where these fights are not taken to the streets or not taken to the job site.

I think I'll take this opportunity now to say that, you know, Bill 80 doesn't go far enough in my mind. What I want is what we

call the Quebec system. And the Quebec system is a system designed by Brian Mulroney actually in 1975, where everything's unionized in construction, and a worker has to choose between one of five unions in each trade. So there's five carpenters' unions, five pipefitters' unions, and the government regulates that entire selection process in a very peaceful way.

And this process came out of huge fights in Quebec between 1971 and 1974. So what Quebec decided to do — because nobody could get along and there was just tension — is to just have the government completely regulate 100 per cent of it. And the only way that worked is they said, okay everybody's got to go in a union, but you get to pick which union you want, and you get to re-pick every three years.

The second thing the Quebec government did is they took a handle directly on behalf of contractors on all the services that they need, and that is from apprenticeships to permits to ticketing, etc. They completely control, through the Construction Commission of Quebec, the ebbs and flows of construction because it's quite a transient industry.

And so the long answer to your question is, Bill 80 does not address all the tensions that could happen, but nor does the existing legislation. And if you want to talk about my dreams, we can do that another day.

**Mr. Yates:** — Thank you very much, Mr. Chair. Following up then on your comments, the reason that the current structure has existed, largely in Canada up until recently, was that report done on the construction labour relations 1968 by Goldenberg and Crispo. There was a report done, and what it basically did is it created a single collective bargaining structure in each of the provinces at that time. And the stability in this jurisdiction has been because of that single collective bargaining agreement.

Would your union be prepared to be part of a single collective bargaining agreement with the building trades so that it would continue to keep that labour peace and stabilization in the province of Saskatchewan if Bill 80 passes? Like that goes not quite as far as what the Quebec model is, but it creates that stability, right, that all . . . There's no race or changes then in . . . Employers are all dealing with making their beds with the same wages, benefits, all those types of things provided to employees. Would you be prepared to be part of that?

[12:45]

**Mr. Coles:** — Absolutely. The CEP has long supported what you're describing which is pattern bargaining, either between unions or between companies within an industry. We do it now in other parts of our union in construction. In British Columbia we belong to the system that's equivalent in British Columbia where we do pattern bargaining with all the building trades side by side. We do it peacefully. We do it well, and we do it to the benefit of the entire economy. So yes that would be consistent with our philosophies and our actual practice.

**Mr. Yates:** — Thank you very much. Having said that, you'd be prepared to be part of a provincial collective agreement system that would not then . . . it would see equality of benefits and wages and those types of things for all the workers in the province, and then you don't have arguably the tensions and

fights between, around collective bargaining.

Today do you represent any employees in construction in the province of Saskatchewan today? I understand — and I'm hearing this anecdotally — that out of Mosaic I believe you're doing some work.

**Mr. Coles:** — So we do not presently represent any construction workers in the province, but we do have an application for certification in on behalf of a group of workers that approached us. The facility is the Belle Plaine's mine of Mosaic. It's not actually Mosaic employees, but they are construction workers at the Mosaic Belle Plaine's mine. And we have a application for certification in front of the Saskatchewan Labour Relations Board, where we also added in our position that we should be allowed to apply under *The Trade Union Act*, and we're hoping for a favourable adjudication. And we hope to win the support of the members in the upcoming vote which is happening shortly.

**The Chair:** — Mr. Yates, I'll have to stop you there. We have only 12 minutes left and two more questioners. I'll recognize Mr. LeClerc.

**Mr. LeClerc:** — Just some quick questions, sir. I wanted to ask this question of another witness who in his presentation brought this to my attention, and never got the chance to. Currently under the current legislation as I understand it and what that witness presented and what yourself is presenting, if I'm clear, is that currently in this province, who becomes a union or the designation of a trade union is in the hands of one person, the minister. Is that correct?

**Mr. Coles:** — That's correct for construction, yes.

**Mr. LeClerc:** — Would it be fair to say that that is different than any of the other unions or sectors in our economy that are unionized? Does this apply to them as well?

**Mr. Coles:** — No. So Saskatchewan is unique across Canada. Quebec has some similar rules, but again they're different. But Quebec's always different.

So in Saskatchewan the CEP, for example, is a bona fide trade union under *The Trade Union Act* and as well as all the other big unions that we know. All of these unions are prohibited under the construction labour relations Act from representing construction workers because they weren't designated in 1992 by the minister. So this is even though that the construction unions themselves that are designated by the minister, they can also go and organize under *The Trade Union Act* and in the industrial sector. So they can go back and forth between the two Acts. We can't.

And there's some history to that. There's lots of explanations and justifications, but that's currently the lay of the land. And no other jurisdiction in Canada does that. There's some twists in Quebec, but again they're different.

**Mr. LeClerc:** — So Bill 80, although I know that you believe as many other people believe that Bill 80 is not right enough or extreme enough — I mean right to the point where people want to disband the whole labour Act — and this piece of Bill 80

would then take the politics out of it by having the power of a minister, one person in a political party appointing who would become a trade or a union and allow an equal playing field so that no matter what political party of the day is government, they cannot interfere politically into the union business in the trades . . . Am I correct in my summation?

**Mr. Coles:** — That is correct in your summation of Bill 80 as I see it as well, that it's up to the worker to choose how they want to be represented.

**Mr. LeClerc:** — Okay. Thank you for that. My other question is that it seems to me as a union that you're an aggressive union. You've said that. You aggressively defend the rights of workers. I happen to take the stance that we ought to defend the rights of all workers because we're all workers in this province regardless of whether we're in a union or not. And I take offence sometimes when people only refer to union people as workers, as if I don't work. But I like your approach of being aggressive, fighting for the rights of people. So we're not talking about a union that is known as some of the allegations, an employers' union. You are in fact an employees' union that aggressively goes after wages, apprenticeship program, safety issues.

So one of the things that people have said is (a) we have . . . This Bill is for employers' unions, for sweetheart deals, and which infect the wages and the safety of the industry. You're aggressive. Could you tell me your track record on wages and safety?

**Mr. Coles:** — We are aggressive and I assure you there is no sweetheart deals, nowhere that I know of within our organization. Specifically to the collective agreements that we hold in construction — I can't speak to anything in Saskatchewan, of course; we don't hold any here — but in Alberta and British Columbia if we don't lead the pack, we're right in the middle along with the other unions and major traditional unions in the pack.

We are particularly progressive around things such as travel terms and conditions, a big issue for a lot of workers in terms of conditions around travel. We're very progressive on benefits and also on pensions. And I think the CEP track record for militancy speaks for itself, including here in Saskatchewan. You can ask any of our existing employers if you wish to on that record.

And I think our track record on the issues of workers' rights is consistent. We are consistent in our opposition with Bill 6, for example, where we're talking about the rights of workers, and we say the same here in Bill 80.

So I'm proud of our union. I'll continue to be and we hope to make a positive mark on behalf of construction workers in Saskatchewan.

**Mr. LeClerc:** — My final question, sir, is something that I've asked many of the other witnesses. My concern as an MLA is the fact that we have money set aside for our economy and our infrastructure and projects that we haven't been able to do because of a labour shortage. Things like the hospital, children's hospital, not being able to get that up worries me.

And the fact, believe it or not, is that the fact that we only have 20 per cent of our trades people unionized and 80 per cent not also troubles me. Would the opening of Bill 80 or the implementation of Bill 80, would that (a) bring us more workers into the province, tradespeople, skilled tradespeople, and would it in fact begin to increase our union membership in the province, in your opinion?

**Mr. Coles:** — I say yes to both. And if I could be specific, with regards to the increasing the amount of people available for work for Saskatchewan's construction industry, what we have done in Alberta, which just came through a major shortage in its last boom, is recruited members from spots in Canada that took some aggressive recruiting — so deep into Quebec, deep into Newfoundland, New Brunswick, other Canadian cities and towns that were hit by layoffs in the forestry industry, hit by layoffs in the automotive industry, and hit by other parts of the economy that were suffering. And we took those trade workers and aggressively recruited them — you know, not all of them came but many did — and brought them out to Alberta.

Specifically to Saskatchewan we did the exact same thing in Prince Albert with the closure of the pulp mill there. I went up to Prince Albert myself. We had a career fair. I believe Wendy was with me, and we went and spoke to all the tradespeople that were in that mill that were working there for 30 years and said, hey, now's your chance to get involved in Saskatchewan's construction economy.

All of these people were interprovincial Red Seal trades. They probably were in construction in their youth, 20, 30 years ago but hadn't thought of it since. So we were saying to these Prince Albert citizens, many who worked in the mill, many who are members, and I knew that, hey, you should take your ticket and go get a job in construction in Saskatchewan. They need you.

So our deep roots in communities across Canada allow the CEP to reach out and get whatever we can in terms of low-hanging fruit of the trades. And you know, I think the only approach that a functioning economy can take is to be very long term focused on the demographics of construction workers. And the picture isn't pretty, and we think we can offer one solution.

**Mr. LeClerc:** — Thank you very much for your report, sir, and the clarity of your answers.

**The Chair:** — Thank you, Mr. LeClerc. I just remind all members and visitors to turn their phones to vibrate or off. Mr. Iwanchuk, we have three minutes and two more presenters, please.

**Mr. Iwanchuk:** — Okay. I have about three questions here. You talked about Belle Plaine and so in there . . . and you talked about Quebec and the uniqueness of Quebec and the constitutional challenge. Would it be a correct statement to say that in Quebec, where everybody's unionized and of course that's been around for a while, there's been challenges probably. Now the constitutional challenge to our Act didn't come in until Bill 80. I guess our Act has been around since 1992. Any thoughts on that?

**Mr. Coles:** — So for the CEP, the answer to that is, we're fairly new to construction. So we've come around to understanding

what we need to do in Saskatchewan just lately. I can't speak as to why nobody else raised this issue beforehand, but all I know is that since the health services decision which was just two years ago, it's very clear, in my opinion, how the Supreme Court would now rule on the existing legislation in Saskatchewan.

The BC Health Services decision is again only two years old, and it just hasn't come to pass that it's been challenged. So that's the best I can answer there.

**Mr. Iwanchuk:** — Okay. So this doesn't bode well for your dream Quebec situation, I can say. But anyway, just a further question then. You mentioned CLAC. You mentioned that you have trouble with CLAC. Could you be a bit more specific?

**Mr. Coles:** — So with all unions, including others that we bargain with currently in other industries that the CEP is involved in, we always try to make sure that the whole team is with us in terms of fighting for issues that we care about in construction. And there's some issues with CLAC that we just have philosophical differences with. And the best I can say is we try to stick to our ground, to fight as hard as we can.

Examples would be internal union democracy. We have some very different philosophical points regarding how constitutions of unions should be structured, how the membership should be involved. CEP likes a lot of elections. We do a lot of work on our constitution and our bylaws in that regard. And so we have some differences there, and they're all respectful. And I'm sure they have many, many philosophical differences with me, probably even more. And we are just unique and different from them.

**Mr. Iwanchuk:** — Okay. The Progressive Contractors were here and they said we only deal with CLAC and CEP. And my question at that point in time was, so they, when they would come here, and let's say they would set up a huge . . . which they were successful bidders and have the huge construction sites.

And this Bill 80 is all about freedom of choice for employees, and so the freedom of choice of a Saskatchewan worker would be, in my opinion this — either don't work or work under CLAC because you're supporting . . . coming here saying you support Bill 80 under freedom of choice of employees, if these, if Ledcor or one of the companies under the Progressive Contractors came and set up shop here, and it was a large site and it was CLAC, so what would the choice of the worker be?

**Mr. Coles:** — Is that . . .

**Mr. Iwanchuk:** — Would the choice of the worker be . . . I'm struggling with the freedom of choice here and your support for Bill 80. The choice of the worker is either starve, not work, or work for CLAC.

**Mr. Coles:** — Mr. Member, these are the exact same rules that unions live by in a closed shop environment every day. So at Mosaic for example, the CEP represents workers at the Esterhazy mine. If they want to go and work at the Esterhazy mine, they have a choice to join us or not work there. That's the existing law under *The Trade Union Act*, and it's called the

closed shop principle. And I defend and I support the closed shop principle.

So in regards to, you know, Ledcor or any other contractor, I suspect they would ask the same, for the same rules that we live under, and that they have closed shops, right? When I speak of choice, the choice that I speak of is the choice whether to join a union or not, right? And a worker should have a choice to pick and choose what kind of representation they want. And while I fully support my sisters and brothers in the building trade unions for example, in being one of those choices, right — in fact I say, join as many unions as possible — I don't say just join one. Join as many unions as possible, and together we can make Saskatchewan better, right? Go ahead.

[13:00]

**Mr. Iwanchuk:** — Just one more question.

**The Chair:** — Mr. Iwanchuk.

**Mr. Iwanchuk:** — Just one more question.

**The Chair:** — Make it quick, please.

**Mr. Iwanchuk:** — In Newfoundland where they had project-by-project certifications, which you advocate because obviously it would be one employer right now if you had signed a collective agreement under *The Trade Union Act*, right?

**Mr. Coles:** — Right.

**Mr. Iwanchuk:** — Now there was a study done there by Morgan Cooper who advised the Newfoundland government because there was a lot of instability in Newfoundland in terms of construction, and he said, your problem is project certifications, that that's the wrong way to go. And you're here before us, telling us that that should be the way we should go. I see some . . . problematic.

You're willing to join the provincial bargaining. You accept provincial agreements, but yet you say, I should go under *The Trade Union Act* and have one employer, and I should negotiate with that employer. And that's basically what we're talking about stability here, in collective bargaining regimes, be that Quebec or all across the country. So I'm not sure how you're squaring these things.

**Mr. Coles:** — Project labour agreements, which are used across Canada, are not my favourite tool at all for organizing. Instead I like to organize, have members organize a contractor. And then whatever job that contractor gets, the same collective agreement is used, hopefully on a standard basis across the province. And in fact that's what we do in British Columbia, and that's what we're trying to do in Alberta. Project labour agreements are an old, historical tool used by all unions to handle big megaprojects because you need to have special terms and conditions for a uniqueness of a large megaproject.

**Mr. Iwanchuk:** — But Belle Plaine isn't huge.

**Mr. Coles:** — Sorry?

**Mr. Iwanchuk:** — Is Belle Plaine . . .

**Mr. Coles:** — Belle Plaine, we have no collective agreement at Belle Plaine. They have no union there.

**Mr. Iwanchuk:** — No, but you're organizing there . . .

**Mr. Coles:** — We're trying to organize Belle Plaine . . .

**Mr. Iwanchuk:** — To get a single certification order.

**Mr. Coles:** — We have an application for certification in at Belle Plaine, but we have no collective agreement yet because we're not a union there yet.

**Mr. Iwanchuk:** — But there'll be only negotiating with one employer.

**Mr. Coles:** — Yes.

**Mr. Iwanchuk:** — And if so, how does that create stability because that's what we're talking about. That's what Mr. Yates was asking questions about and the stability . . .

**The Chair:** — Mr. Iwanchuk, you're entering into debate and we're running short of time.

**Mr. Iwanchuk:** — Basically that's the main thrust of Bill 80, and you're getting in under Bill 80. And that's causing . . . People are telling us it's not a tool for stability.

**Mr. Coles:** — I support unions. They're non-union. I want them to be union.

**The Chair:** — Thank you, Mr. Coles. Mr. Elhard, we'll wrap up with you.

**Mr. Elhard:** — Thank you, Mr. Chair. I just have a couple of brief comments and questions. It seems to me that the entire labour environment has changed as a result of the Supreme Court's decision regarding the Health Services issue in British Columbia. Have you seen the impact of that decision in other jurisdictions, and has it created instability or has it created opportunity for the unionized environment?

**Mr. Coles:** — The BC Health Services decision, the impacts have not been felt more than in British Columbia itself for starters, but more than in the boardrooms of unions in terms of trying to figure out how to use it.

It has created more stability, the decision, in the health sector which was specifically targeted for since it came out. I don't want to speak on behalf of those unions there, but immediately after the Health Services decision the two parties — the government and all their unions — got together and bargained out resolutions to many cantankerous problems that they had. The government in a sense backed down because they no longer challenged the freedom-to-associate provision that they were gently pushing.

I have not seen anarchy or revolution reign anywhere as a result of this decision, but it does cement for me this philosophical principle that I have, that the court I believe now shares, that we

get to pick and choose how we want to represent ourselves as workers. So no, I haven't seen anarchy.

**Mr. Elhard:** — The other thing I noted with some interest was your description of urgency for apprenticeship development, how the construction industry is in dire need of significantly increased apprenticeship. So would you tell us what CEP would propose be done to increase apprenticeship numbers if this Bill passes, if you become part of the labour landscape here and the construction arena. What is your union going to do to accomplish increased apprenticeship?

**Mr. Coles:** — Our union will do what it's currently doing with other large employers that we represent, particularly here in Saskatchewan — like Areva and Mosaic and others — and that is we have joint committees with the employers. That's often very co-operative because the employer needs apprentices. We have joint committees, jointly funded between the union and management, that deal with each roadblock to apprenticeship that we see. And each province has different roadblocks.

In some provinces like BC, it's a question of availability of seats in schools. So we try to deal together with the government to try to open up more seats in schools for apprentices. In Alberta, which has a pretty good apprenticeship system in terms of availability of education, the problem is not enough first- and second-year apprentices are being hired by enough employers, and so you get into the school but you don't get your hours that you need for your first and second year.

So what we do in the CEP, and what we would do if we were here in Saskatchewan in construction, is we would sit down with our employers and any other partners we could get and fund through our own funds if need be — like we're currently doing at Wascana Campus — programs that directly deal with the roadblocks for getting more people into the trades. And that's exactly what we're trying at SAIT [Southern Alberta Institute of Technology]. We don't know if it'll work forever, but we certainly had a great graduating class this spring.

**Mr. Elhard:** — Is the 1:1 ratio, journeyman to apprentice, a problem in your view?

**Mr. Coles:** — No. We have a total package of apprenticeship reforms that we're trying to bring in across all of Canada. But the core issue isn't . . . I mean there's a lot of issues with ratios, so I don't want to let that go. But the core issue for us in apprenticeships is government commitment to making sure that the colleges and curricula and the systems work well, employer commitment that they actually hire these first-year apprentices and give them a chance. That's a real hard commitment for a lot of employers to make in a competitive economy. And then the follow-through which is, I think, a union's job in making sure that a third- and fourth-year apprentice take the courses and the necessary test to become the journeyman and actually sticking to the career.

We have a huge drop-off rate in years 3 and 4 of most apprenticeships that have a four-year apprenticeship. And I think as a union, we need to be aggressively involved in tutoring and mentoring our members along to make sure they get the actual ticket that they sought to get in the first year.

**Mr. Elhard:** — I probably shouldn't have left this question quite as quickly as I did, Mr. Chair. But in view of the Supreme Court ruling and in view of the unique nature of our legislation and requirements as far as the construction industry is concerned in the province, do you see it as inevitable that there would be a challenge, a Charter challenge, to the existing circumstance in Saskatchewan? And if so, are you likely to lead that?

**Mr. Coles:** — To the second part first: we have already filed a constitutional question to the Department of Justice here in Saskatchewan and also to the Supreme Court in Ottawa. So our oar is already in that water, yes. And I don't think we'll be alone in that effort. And I do think — I'm not a lawyer — but I do think it's inevitable that there is a fundamental problem with the existing Act as it reads now, the existing construction labour relations Act in light of the recent BC health services decision. And I mean, constitutional questions are what they are, and these things will not proceed quickly. But I do believe there is an air of inevitability of change, yes.

**The Chair:** — Thank you very much, Mr. Elhard. And thank you, Mr. Coles and Ms. Sol, for your presentation today and answering your questions in the way you did. We will take a very short recess to facilitate the welcoming of the minister and his officials.

[The committee recessed for a period of time.]

#### **Ministry of Advanced Education, Employment and Labour**

**The Chair:** — Good afternoon ladies and gentlemen. We'll reconvene 15 minutes late. Our apologies to the minister and his officials. We will now carry on with our consideration of Bill 80 with Ministry of Advanced Education, Employment and Labour, Minister Rob Norris. And I'd just ask for him to introduce his officials for the purposes of Hansard and this committee.

**Hon. Mr. Norris:** — Thank you, Mr. Chair, and committee members. If I may, I will just incorporate my introduction into some introductory remarks, if that will meet the approval of the committee.

**The Chair:** — The floor is yours, Mr. Minister.

[13:15]

**Hon. Mr. Norris:** — Great. I'm very pleased to be here to participate in the discussion — I think informative and important — regarding Bill 80. And before I begin, I would like to introduce the officials joining me today.

We have Clare Isman, our new deputy minister, joining us; as well, Mike Carr — many of you will know Mr. Carr, associate deputy minister responsible for labour, employee, and employer services within the ministry; and Ms. Pat Parenteau, acting director of the ministry's legislative services unit. I want to take this opportunity to thank these officials and all other dedicated public servants who work for the Ministry of Advanced Education, Employment and Labour, and therefore the people of Saskatchewan. They do tremendous work on behalf of our province, and I really appreciate their efforts.

On March 18, 2009, Finance minister, the Hon. Rod Gantefoer, introduced a balanced, progressive budget designed to ensure Saskatchewan's economy, that our economy continues to grow even in the midst of serious global economic challenges. Among other things, the budget included the biggest property tax cut in Saskatchewan's history, a \$1 billion increase in capital spending, and a major increase in funding for municipalities. Its theme was Strong and Steady which, while we know we're not immune from what's going on around us, this remains an apt description of the performance of our economy. The government's top priority is to sustain that economic growth and, most importantly, share the benefits of this growth with the people of the province.

It may be helpful for me to take this opportunity to share some of the statistics that'll be relevant for the discussion from 2008 — a remarkable year — and then look at some regarding the construction industry in 2009 to give a sense of context within which this Bill is being debated.

The construction industry's share of the gross domestic product in 2008 within Saskatchewan was 5.7 per cent, an increase of almost 1 per cent since 2004. Last year's \$9.8 billion in new construction investments was a 104 per cent increase over 2004. There were nearly 7,000 housing starts, an 81 per cent increase over 2004. And there were about 3,235 employers in the construction industry last year. There was \$1.25 billion in payroll for 26,500 employees, a 76 per cent increase over 2004, with an average weekly earnings over \$950, a 27 per cent increase over 2004.

And today, according to Stats Canada on the labour force survey, employment in our province's construction sector continues to grow. In May, the latest month for which data's available, employment in the construction sector had increased by 4,700 people, May 2009 over May 2008. The construction activity in Saskatchewan is expected to be robust throughout 2009, this despite our global economic uncertainties that we work within.

Part of this is our government has provided historic levels of infrastructure spending through our first budget, through the booster shot, and through our second budget, combined \$2.5 billion; not to mention the millions of dollars being invested in Saskatchewan through new federal infrastructure stimulus monies that are arriving in our province.

In fact what we can look at is an anticipated boost to employment that will continue. And building on this government investment, we anticipate that there will continue to be significant investment from the private sector.

In the *Moose Jaw Times Herald* it was recently reported that the construction industry's currently experiencing a 2 to \$3 billion bump up in economic activity. That's expected to rise to \$6 billion in the coming years. We expect these initiatives will allow Saskatchewan to continue to weather the economic uncertainties and at the same time continue to thrive.

This sets the context for moving forward with Bill 80. Our government is focused on helping to address the extensive infrastructure deficit that we inherited upon taking office, but it's a deficit the people of this province have endured for years.

We know there's more to do, but with \$2.5 billion invested in the first 18 months of our government, plus the federal stimulus dollars, we know we are off to a fast start.

That being said, the public policy problem that Bill 80 works to address is that we need a more robust — that is, competitive, fair, flexible, and effective — construction sector. This is what Bill 80 aims to achieve — Bill 80 which is moderate, reasonable, and balanced.

In addition to helping to ensure that we have a more robust construction sector, Bill 80 also gives workers and employers more choice. Saskatchewan's construction industry currently operates under the most restrictive collective bargaining system in the country. Indeed it's akin to a hermetically sealed system that is insulated or protected from what has been viewed as traditionally outside influences.

Under the law we inherited, the current iteration of the Bill — that is, the current phase or form of this Bill — essentially dictates which union can represent workers while requiring unionized employers in the industry to be a member of a representative employers' organization or REO.

We believe that the government should set the rules with the aim of promoting greater inclusion, greater fairness, greater flexibility within this sector. In recent days, through very impressive dialogue and deliberation, we've heard concerns expressed by various stakeholders, and we've also heard a number of praises for this Bill. We thought it may be helpful to walk through a few of those. But to start with, it may be useful to actually identify and articulate . . .

**The Chair:** — Mr. Iwanchuk.

**Mr. Iwanchuk:** — I think the minister will have time for his introductory remarks, but now we're going to do an analysis of what's been said here. I'm not sure that's the most productive use of our time. We've all been here as well. We'll ask the questions; the minister will have ample opportunity to answer and give his opinions on that. I mean we've got three hours. We would like to use that productively in asking questions. I don't see how reviewing the entire session here is going to be helpful. It's up to the committee to do that, and I don't think it's proper for the minister.

**The Chair:** — Mr. LeClerc.

**Mr. LeClerc:** — Well I disagree with Mr. Iwanchuk because I think that what the minister was about to enter in on are some of the things that we most likely would on both sides be asking questions about. He is going to talk about the witnesses that came up, both pro and con for the Bill, for not the Bill — his statement in there that he saw positive out of both sides. And I think we need to let him finish.

I think we need to let the Chair decide in his role as Chair whether the minister has taken liberty with his time, but I haven't seen him taking any liberty yet. He's not going off on rabbit trails. He's dealing with the essence of the witnesses, and the essence of the issues that we've been dealing with so far. So I would have to disagree with Mr. Iwanchuk's request.

**The Chair:** — I thank both you gentlemen for your comments. In looking at the point brought forward, I would say that the minister is here as a witness, as other witnesses have been here. They've been allotted at least 20 minutes for a presentation, whether anecdotal or specific information. Some of them we've allowed to go well above 30 minutes or plus. So in consideration of that, and considering that the minister is here as his own witness, as a witness, I would give him the same levity as we've given every other witness before this committee, and he can go on with his remarks. Thank you, Mr. Minister.

**Hon. Mr. Norris:** — Thank you, Mr. Chair. I thought it may be helpful just to briefly — and I'll certainly be conscious of the time — just to identify the spirit of these amendments.

The amendments as introduced are meant to first allow a trade union to organize a company on a multi-trade or all-employee basis, as well as — and this is very important — as well as continuing on a craft or single-trade basis.

As well, these amendments are meant to enable the trade union to certify an employer. As well, allow employers to choose the REO that will represent them. As well, allow an employer operating outside an REO to negotiate a collective agreement for the duration of a specific project.

Give the Saskatchewan Labour Relations Board the authority to investigate complaints that a union has abandoned its bargaining rights. As well, give the Labour Relations Board the right to revoke a union certification on the basis of an abandonment claim.

And it changes the definition of construction industry to remove the reference of maintaining a building or a structure.

Regarding some of the concerns, and I certainly won't go through in detail . . . As I say, I think the deliberations have been important and informative. I've certainly learned a great deal, both in watching and reviewing *Hansard*.

In light of some of the language that, in my opinion, perhaps fans some of the flames of fear, let me begin to offer this reassurance. Bill 80 maintains the existing REO building trades structure. If employers and employees are satisfied with the current arrangement, then they are free to maintain it.

I also want to stress that the provision of prohibiting the creation of non-union spinoff companies will remain — and this is very important — will remain in the Act. The government believes that both employers and unions should live up to their responsibilities.

I want to take the opportunity to stress that the proposed amendments will not impact the apprenticeship system as it has been, perhaps inadvertently, put forward by some before this committee. There is much to do regarding apprenticeships. We've heard that. Our government is committed to working with our partners; including organized labour and unionized and non-unionized firms as well as post-secondary educational institutions, on this front.

In fact, it was that very spirit that moved us last fall to put

forward an additional \$3.5 million on top of the existing 12.8 million for apprenticeship training seats in last year's budget. This year, the apprenticeship commission will receive over 17.7 million to support the apprenticeship system.

To give you a sense of what that \$3.5 million has been able to accomplish, it has allowed the establishment of 1,100 new apprenticeship seats. Importantly, this has been complemented by this government's investment of more than \$55 million in post-secondary infrastructure since February. That includes the booster shot and this year's budget, plus over \$50 million in federal funding to ensure that students, including apprenticeship trainees, have increased access to these renewed learning environments.

Importantly, Mr. Chair, I want to counter, if I may, this fear factor that has been raised by being clear. This legislation does not destabilize the construction sector. Rather, this Bill allows for the maintenance of the current system. The proposed amendments simply augment the current system, complement it by giving employers and employees the right to choose their form of representation.

Regarding wages and benefits, in this increasingly tight labour market within the construction sector, skilled tradespeople will continue to have competitive wages. This is true and is anticipated to continue for both unionized and non-unionized sectors of the economy.

Regarding abandonment, the government has introduced provisions within the Bill to give the Labour Relations Board the explicit authority to consider the issue of abandonment when considering application made to it. As many will know, recent court decisions have identified a gap in our existing legislation. This amendment is intended to close the gap. In this way, the Labour Relations Board will no longer have to rely simply on common law but will have specific provisions to guide its decision making. And I'm sure we'll come back to this point during our deliberations.

[13:30]

Regarding the benefits of these amendments, the government has brought forward legislation at an important time in our history. As mentioned, after years of neglect we are making an unprecedented investment in infrastructure: \$2.5 billion from the province, plus additional millions coming in through the federal government through stimulus spending.

This massive expenditure is supporting the renovation and construction of health care facilities and schools, infrastructure renewal at our universities, regional college campuses, SIAST. It is of course contributing to the largest ever investment in our province's highway system.

Meanwhile the private sector is investing substantially in major projects that will drive economic growth and create thousands of jobs. In fact, just this morning I had a meeting with an entity that's already in Saskatchewan and looking at investing significant millions of dollars in new construction. Just Tuesday, for instance, we heard up to 1,800 trades jobs to be created right here in Regina for the expansion of the Co-op Refinery. These investments, among many others, are a major

vote of confidence in Saskatchewan's future.

With all of this ongoing and projected activity, it's apparent that Saskatchewan's construction industry has a lot of work that's under way, but there's a challenge. In recent years too many projects have been delayed because of a shortage of skilled labour. We need a more robust and responsive construction sector. This has resulted in delays, cost overruns, and the growth in a backlog of projects. The Construction Sector Council recently put forward a forecast that it projects a demand for skilled trades that will be approximately 9,000 people by 2014. That is 4,300 new positions, while an additional 4,400 required to replace retirees through the next decade.

Obviously we need to encourage our youth and others to consider the building trades and careers in construction industry as important, productive, and rewarding occupations. These amendments will attract new entrants into Saskatchewan's construction industry.

These are companies who were discouraged from operating in Saskatchewan in the past because of the restrictive nature of the current legislation. This legislation gives rise to uncertainty, perceived risk. And companies employing hundreds of Saskatchewan-born workers want simply to have the opportunity to work here and allow their employees to work in Saskatchewan for the rebuilding our province. More companies will mean more jobs, more competitive bidding, and quicker completion of projects.

The amendments will also attract new unions into the industry. Indeed you've just heard from a very able and articulate spokesperson. These unions will now have the opportunity under these amendments to represent workers in this province, as will other unions.

In addition to giving more choice to workers and employers, the legislation also provides much-needed clarity to those involved in the industry. The amendments dealing with the issue of abandonment will be particularly helpful in this regard.

The majority of provinces have labour legislation that allows for a certification to be rescinded based on the principle of abandonment. In those jurisdictions, if a union does not actively represent the workers it purports to represent, there is recourse for workers and employers. Astonishingly this is not the case in Saskatchewan's construction industry. The current legislation is silent on the issue of abandonment. Recent court decisions have underscored the need for clarity and Bill 80 provides this clarity.

Regarding consultations, I think it's important to note that until the end of August, our ministry will continue to have meetings with key stakeholders, those who have presented before this august body included — if and as they choose — as well as those that have not had an opportunity to voice their support or concerns. We certainly have solicited feedback from the general public through the ministry, and we continue to have the option open of members of the public and other stakeholders providing written submissions or email responses. And again this will continue through the end of August.

In addition we look forward to obviously receiving the results

of these inclusive and extensive hearings regarding Bill 80. I can assure you that consultations on this legislation have been very helpful. The government will carefully consider all suggestions and comments from stakeholders, the general public, and certainly the respectful work that this committee has undertaken.

In conclusion, Bill 80 heralds a new era for Saskatchewan's construction industry. The legislation will ensure that we are fostering a more robust construction sector. It will expand the freedom of choice for workers and employers, and importantly enable us to continue to rebuild our infrastructure faster and in a more cost-effective manner.

We anticipate that we will see more companies bidding on more projects. We also anticipate that we will see more people working across Saskatchewan. Bill 80 continues our government's effort to ensure that Saskatchewan has a fair and balanced, flexible construction sector. It will help move our province forward at a time of global economic uncertainty, helping to sustain the growth and share the benefits of that growth with people of the province.

Mr. Chair, and committee members, I want to thank you for the opportunity to continue speaking to this important piece of legislation, and I look forward to the deliberations that will be forthcoming. Thank you, Mr. Chair.

**The Chair:** — Thank you, Mr. Minister. Right on 20 minutes. Exactly right. Our first questioner will be Mr. Iwanchuk.

**Mr. Iwanchuk:** — Thank you, Mr. Chair, and welcome to the minister and his officials to these hearings. Mr. Minister, you ended on consultations and that's where I would like to begin my first question on that.

Now at your first press conference of March 10 you stated that you consulted with the Christian Labour Association of Canada and the Communications, Energy and Paperworkers and with a number of employers. Can you tell us exactly who you consulted, with the name and . . . in the development of Bill 80.

**Hon. Mr. Norris:** — As I reviewed *Hansard*, I think you've heard that some organizations have been making presentations to governments in Saskatchewan since the early 1990s. The phrasing of your question is complex, and I'll try to deal very directly with the key element of it.

The development of this Bill was undertaken by the Ministry of Advanced Education, Employment and Labour, and the Ministry of Justice.

**Mr. Iwanchuk:** — The question was, who you consulted. Because in the press conference you stated that you had consulted a couple groups, and I asked for the name, and not only the development but who you actually consulted.

**Hon. Mr. Norris:** — Yes. I think the phrasing of the question . . . I just wanted to be very specific in my response. You spoke about, regarding the development of the Bill, and I want to offer the reassurance that the Bill was developed by the ministry and the Ministry of Justice.

There were other organizations, certainly, that came and in the early days of our government, and I'm certain, just upon reading *Hansard*, there were representations made to the previous government. We can get you a list of some of those.

We certainly heard from . . . Again nothing to do with the legislation. These were organizations and entities that as a matter of course it was part of their government relations ongoing, certainly made their opinions well known. CLAC, the Saskatchewan construction employers' association, Ledcor are among those organizations that as part of their due course of government relations, as I say, made their opinions known. At no time were they privy to the development of this legislation.

**Mr. Iwanchuk:** — You'll be providing us, if I understand then, with a written list in answer to the question?

**Hon. Mr. Norris:** — Sure. I've just highlighted most of the meetings, but we'll go through and make sure . . .

**Mr. Iwanchuk:** — Well so that it's complete and so we don't . . . Because the question was asked and so you're not adding a lot of people later, if you'd just sort of give us one complete list, that would be . . .

**Hon. Mr. Norris:** — Sure.

**Mr. Iwanchuk:** — Okay. My second question would be, how did you consult with Saskatchewan workers in developing Bill 80?

**Hon. Mr. Norris:** — I welcome that question, especially during these consultations. And so what we have done is, to ensure that debate and dialogue is informative and focused, we crafted the legislation and then presented it in the House, first reading and second reading, and the agreement between the government and the official opposition was that the consultative process would be facilitated through the good work of this committee. And that's why we're here today.

**Mr. Iwanchuk:** — Okay. Have you had the opportunity to meet with organized labour since taking office?

**Hon. Mr. Norris:** — Yes, I have.

**Mr. Iwanchuk:** — Has organized labour offered to meet with you since you took office?

**Hon. Mr. Norris:** — Yes, it has.

**Mr. Iwanchuk:** — Do you know how many requests have been made?

[13:45]

**Hon. Mr. Norris:** — We could go through our schedule.

**Mr. Iwanchuk:** — You'd be providing that list then, as well as the other?

**Hon. Mr. Norris:** — Well I guess the question would be, to what relevance does that broad question have to Bill 80?

**Mr. Iwanchuk:** — Well we're talking about consultations, and you were talking about the broad consultations that you've had. We simply want to establish how many meetings you've had with organized labour.

**Hon. Mr. Norris:** — The meetings with organized labour?

**Mr. LeClerc:** — Mr. Chair.

**The Chair:** — Mr. LeClerc.

**Mr. LeClerc:** — I have to take a point of order and I'm not sure the minister at any time said he took a broad range of consultation on this. And I'm not sure the relevance of Mr. Iwanchuk's questions are to Bill 80. I think the minister's answered it.

The development of the Bill was through the Ministry of Advanced Education and Labour, as well as he's already answered it. And he hasn't . . . I think what Mr. Iwanchuk, his questions are, I'm not sure what the relevance of them are, but he's going on about how many meetings the minister's had in the past two years with labour. At no time has the minister said that these meetings have any relevance to the development of Bill 80. He's already said what the development of it is. It's what government does. People have brought it to his attention. His ministry and his ministry people have looked at this.

Obviously, the issue of abandonment has been brought up and the ministry — as any good ministry and minister — would look at something that has been brought to his attention as a possible problematic issue. Especially on the abandonment of Bill 80, the fact that we have a labour shortage, the fact that we can't get projects done, the fact that our economy is burning has brought this to the attention of the minister and the ministry. And his development of Bill 80 has been done along the lines of that way. At no time has he said that the development of Bill 80 has been done because of broad-ranging consultations with special interest groups, whether they be labour unions or whether they be contractors on the other side of it. So I find his questions, at this particular point, wasting our time.

**The Chair:** — Mr. Yates.

**Mr. Yates:** — Thank you very much, Mr. Chair. Clearly, the purpose of having a committee question the minister on a Bill is the right of the opposition to hold the government accountable for that legislation. And in asking these questions, the members opposite don't have to understand why they're being asked. If they can't figure that out, Mr. Chair, that's their issue.

But we have the right to ask the questions, and we have the right to get the questions answered. I heard a 20-minute presentation by the minister, which I would say less than half of it would have any relevancy whatsoever to the Bill. We sat through it. We just please ask the Chair to allow the member to ask the questions and the minister to answer them.

**The Chair:** — Thank you, Mr. Yates. It is not a valid point of order. However the minister is the only one that knows whether the answer is relevant to the contents of Bill 80, so I'll just ask the minister to answer as long as it respects Bill 80.

**Mr. Iwanchuk:** — Okay, next question. How did you consult with Saskatchewan-based unionized contractors in developing Bill 80?

**Hon. Mr. Norris:** — Well, I think this again goes to a form of the previous questions. And once again, the development of the Bill is based on the good works of the Ministry of Advanced Education, Employment and Labour and the Ministry of Justice. Upon being presented in the House and introduced through the media, we have agreed upon — that is government and official opposition through the good offices of this committee — to undertake a portion, a very significant portion of these consultations.

Through the ministry we have received and will continue to receive — and we extend this invitation to those who have already made presentations and those who have perhaps not had that opportunity to engage our ministry — and certainly our plans are to continue this process until the end of August. And that invitation is open for both unionized and non-unionized firms, and as well as the labour organizations that are already represented within the existing legislation, as well as those who are seeking to be represented by these moderate amendments.

**Mr. Iwanchuk:** — Thank you. A number of experts recited, which we had in the hearings conducted over the last two weeks. I was wondering, did you consult with any experts in formulation of Bill 80?

**Hon. Mr. Norris:** — Once again, I will simply reiterate that the Bills were developed through the Ministry of Advanced Education, Employment and Labour and through the Ministry of Justice. I am not certain if the question perhaps has other aspects that I'm missing. Happy to consider the question further. I just, as I say, think we've dealt with some considerable portions of that question.

**Mr. Iwanchuk:** — I think it's a straightforward question. The question simply was, did you consult any experts in the formulation of Bill 80?

**Hon. Mr. Norris:** — The question is premised on a tricky wordplay; and that is, there is some implicit distinction between expertise and the work of the ministry. I offer you every reassurance, between the two ministries, there has been much expertise brought to the development of these Bills — expertise from both ministries.

**Mr. Iwanchuk:** — Did you even think of consulting the Labour Relations Board?

**Hon. Mr. Norris:** — It would be, it would be peculiar to say the least, probably inappropriate, to consult the LRB [Labour Relations Board] which is an arms-length organization. And so the obvious answer is no.

**Mr. Iwanchuk:** — Now under the heading and moving to worker choice which seems to be fairly big and, if I may, perhaps a bit misused. But you have said that the first and foremost that you are introducing Bill 80, first to give workers more choice. Could I ask you why is worker choice important?

**Hon. Mr. Norris:** — You know, in the speech that I just

offered, I think — and I'm certainly happy to go back through the speech — one of the primary pieces that we put forward was to ensure that there is a more robust labour construction sector in Saskatchewan. In addition to that, this Bill affords the opportunity of greater choice, and certainly just given the representation that came before the committee even today, I think you've heard a very articulate and clear, cogent, and concise argument regarding choice and that is, simply to paraphrase from CEP: governments should not choose unions; workers should.

**Mr. Iwanchuk:** — A major change in this legislation is its provisions related to voluntary recognition and project certifications. How do these contribute to worker choice?

**Hon. Mr. Norris:** — I'll get Mr. Carr to walk through some of the details, but the simplest phrasing is there really is no change to voluntary recognition in Bill 80. It occurs now in the system. The change that does come into being is more choice regarding a range of options for workers in the selection of unions and a greater range of employers. That's what's envisioned within these amendments.

Mr. Carr, I know it goes beyond that. Why don't you walk us through on a technical basis what that looks like?

**Mr. Carr:** — Thank you, Minister. *The Construction Industry Labour Relations Act* as it currently exists has always allowed project agreements to be entered into by employers and by the building trades unions. What the amendments to Bill 80 will do will open that process up so that other unions outside of the building trades and other employers outside of the REO system can enter into project agreements for the purposes of the completion of specific construction projects.

**Hon. Mr. Norris:** — Great. Thanks, Mr. Carr.

**Mr. Iwanchuk:** — If worker choice is important to you as you have cited, is it important in regard to your department when it comes to nurses, teachers, or government employees?

**Hon. Mr. Norris:** — I appreciate the question. Again I'll get Mr. Carr to walk through some of the technical aspects. A bit of a cute question, and it's one that rests on a logical fallacy, and that is a fallacy of false analogy. And that is the comparisons that you're offering don't really apply within the construction sector.

Mr. Carr, why don't you walk us through elements of certification?

**Mr. Carr:** — Thank you, Minister. Again under *The Trade Union Act*, there is a process that facilitates the certification of bargaining units. That process is one where a majority, that is 50 per cent plus one of those members of an appropriate bargaining unit, have voted in favour of joining the union. Where that has occurred, there is the issuance of a certification order. That certification order continues and in fact solidifies the bargaining relationship between that representative union and that employer. And that certification order continues such that any new employees joining that employer are, as a condition of employment, required to join the union.

[14:00]

The mechanisms available to individual members of bargaining units to adjust that certification process occur as a result of the, again, expression of their individual will, as demonstrated in an application brought during the open period of the collective bargaining agreement, or the anniversary of the collective bargaining agreement, through a process under *The Trade Union Act*, which would allow them then to either decertify the existing union or certify another union of their choosing. And that process continues unabated, uninterrupted, and unchanged under Bill 80.

**Mr. Iwanchuk:** — Well we heard yesterday that CLAC is interested in organizing wall-to-wall in health care facilities. Would you consider allowing alternative unions to represent nurses?

**Hon. Mr. Norris:** — Happy to address this question. Obviously nurses can be represented by SUN [Saskatchewan Union of Nurses] or CUPE [Canadian Union of Public Employees]. Mr. Chair, once again we're . . . I have no problem. I mean, we can talk about nurses. We're actually talking about construction. Saskatchewan, as I highlighted within my opening remarks, did this purposefully. Saskatchewan is a bit of an anomaly in that this legislation occurs.

So it leads me to a question, Mr. Chair. And I don't know if this is conventional or not, but may I ask what the official opposition's position regarding CLAC is?

**The Chair:** — Mr. LeClerc.

**Mr. LeClerc:** — And this is what I was afeared of. Again, in Mr. Iwanchuk's question about nurses and CLAC, we're talking about Bill 80 for a construction industry. And I really think it's way off the . . . It's relevance to the Bill and trying to do a guesstimate about what some union will do with a health care, with a nurse that has nothing to do with Bill 80. And this has lead, of course, to another point of order where the minister is now trying to figure out why Mr. Iwanchuk is asking this question. It's so far off the beaten path, which is a point of order in and of itself. So this was my fear.

We've got something that isn't relevant to point 80 that I don't know where it's going. We've got a minister being frustrated because the questions aren't being pointed to Bill 80 and trying to make a guesstimate about what CLAC is going to do with nurses. I don't see what the relevance of the question is, and I know that the minister can't ask questions back to the relevance of why the question's being answered. This is what I was worried about with this kind of . . . I'm not sure what the relevance of this type of questioning is. It's adversarial. It's not to the point. It's almost a fishing, it's almost a fishing . . . [inaudible] . . . So I have a point of order.

**The Chair:** — Thank you, Mr. LeClerc. Mr. Yates, I call you to order. You're right; it is not a point of order. However I will remind members, this Bill is through the second reading. It is about *The Construction Industry Labour Relations Amendment Act*, not about nursing. So I'd ask members to keep their questions to *The Construction Industry Labour Relations Amendment Act*.

**Mr. Iwanchuk:** — Mr. Chair, in terms of this, I wasn't going to go off on this, but we're talking about structures of bargaining. Bill 80 is about a system of bargaining. Bill 80 is about a system of labour relations. And the question is relevant. We have different systems in this province and simply are trying to say what are we doing? We're comparing systems here.

I mean to . . . The minister answered the question. It was up to him. He said, I'll go on and answer it. Now we spent time, because we don't even have a point of order, we just have arguments made, which I don't understand the relevance of the arguments. And either this committee is going to function as a committee where we have the right to ask questions or it is not. And this government should get off of trying to be secretive and not transparent and answer questions, particularly in committees.

**The Chair:** — Again we're entering into debate here, Mr. Iwanchuk. And I just remind members, we are through second reading and we should stay on the subject of *The Construction Industry Labour Relations Amendment Act*. Thank you.

**Mr. Iwanchuk:** — My next question: do you consider it to be supportive of worker choice to allow two individuals to certify a contractor and then have all subsequent workers for that contractor to be required to join that union as a condition of employment?

**Hon. Mr. Norris:** — Hypothetical question, but perhaps the root of the question is about potential mischief. And obviously the Labour Relations Board would continue to be in a position to sort through any such anecdotes that the members of the opposition may want to pose hypothetical questions regarding.

**Mr. Iwanchuk:** — I thought it was fairly straightforward. I guess the question may be, can two employees form a union with your legislation?

**Hon. Mr. Norris:** — Mr. Chair, it's a very technical question. We're just digging it out of *The Trade Union Act*, and we'll be right there, Mr. Chair. It's a technical question. We're just digging it out of *The Trade Union Act*. We'll be right there.

This is an issue that's addressed by *The Trade Union Act*. Nothing changes regarding Bill 80, and I think the minimum is three people, but we'll confirm that. But there's nothing — again happy to answer the question, as the question relates to the affectability on this — there is no change.

**Mr. Iwanchuk:** — My question was can two employees form a local union — yes or no? It's your legislation. How long has it been since you drafted it? The question is simple.

**Hon. Mr. Norris:** — The legislation does not affect that matter. That is covered by *The Trade Union Act*, and we will get . . .

**Mr. Iwanchuk:** — So you're telling us now that you don't know whether two employees can form a union. You think it might be three; you're not sure; you'll get back to us. You've got all your officials here. That is a simple question. Mr. Chair, this is almost unbelievable.

**Hon. Mr. Norris:** — Mr. Chair, if I may. Within *The Trade*

*Union Act* "an employer who employs less than three employees if at least one of the employees is a member of a trade union that includes among its membership employees of more than one employer." And so that's under definition of employer. The answer is no.

**Mr. Iwanchuk:** — So you're telling this committee that two people cannot, two people out of three signing union cards cannot form a union in this province. Is that what you say? Well is it three? Is it two? Is it going to be five next time you answer, or one? Where are we going?

**The Chair:** — Mr. Iwanchuk, I just ask that you give the minister time to answer the question.

**Mr. Iwanchuk:** — Quite frankly, Mr. Chair, this is incredible.

**Hon. Mr. Norris:** — I think what we've done is provided a straightforward answer and that is, the amendments as being considered will not have any effect on this. This is covered by *The Trade Union Act*. We've just responded to the question. The minimum is three. Now as far as the supplemental question that you've offered in a fashion which I'm surprised by, Mr. Carr, why don't you just walk us through some of the specifics of *The Trade Union Act* which take us, again, considerably away from Bill 80.

**Mr. Carr:** — Thank you, Minister. Again, under *The Trade Union Act*, the definition of employer is very precise and specific, and there is a requirement that an employer employ at least three or more employees; and the determination of any application is made on the basis of a majority of those members in the appropriate bargaining unit voting in favour of the union, in which case there would be a certification.

In the hypothetical example that the committee member has put forward, where there are three or more employees and a majority of those who vote in favour of the union, there would in fact be a certification order issued.

**Mr. Iwanchuk:** — So the simple answer where there's three employees, two employees could form a union, which was simply my question.

**Hon. Mr. Norris:** — No, it wasn't simply your question, sir. That was the supplemental question you asked.

**Mr. Iwanchuk:** — Well I know what I asked. I know what I asked. Anyways . . .

**Hon. Mr. Norris:** — Well I'm glad you do.

**Mr. Iwanchuk:** — You stated in your March 10 news conference that there a number of workers employed outside of Saskatchewan, presumably in Alberta, that are interested in returning to Saskatchewan, and you further said, and I quote, "These amendments are in part to help invite many of these workers back to Saskatchewan."

Now it is estimated, and we've heard in your comments, that there are between 35,000 and 40,000 construction workers in Saskatchewan right now. The Construction Sector Council released its estimates in April 2009 that the shortage of

construction workers, due to increased activity, by 2014 would be 4,300 workers and that another 4,400 would be needed to replace due to retirement over the next nine years.

My question to you is, how many former Saskatchewan residents do you believe to be working outside of Saskatchewan in the construction sector that are interested in returning to Saskatchewan and are prevented from doing so unless the Bill 80 changes are passed?

[14:15]

**Hon. Mr. Norris:** — Upon reviewing *Hansard*, you've had some reference to those and my sense is that number is over 1,000 as far as Saskatchewan residents that are currently working outside the province.

**Mr. Iwanchuk:** — Now doesn't this number pale in comparison to our projected worker shortfall?

**Hon. Mr. Norris:** — Oh it certainly does. And it speaks volumes about a broader labour market strategy that we are currently undertaking, and threefold focus to help address not just the construction sector. I think the construction sector is reflective of many other sectors in the Saskatchewan economy. Let me set the context for this. Between 2001 and 2006, 35,000 people left the province under your government, and that's important because we're dealing with a . . .

**Mr. Iwanchuk:** — We can talk about the '80s too.

**Hon. Mr. Norris:** — No, no a demographic deficit, if I may. The significance here and . . .

**Mr. Iwanchuk:** — And what happened to the construction workers in the 1980s as well? Well actually it went from 77 per cent . . .

**Mr. LeClerc:** — Mr. Chair, Mr. Chair, this is going into a debate and members are not allowed to enter into a debate with a witness, no matter if the witness is the head of the SFL [Saskatchewan Federation of Labour] or if it's the minister. And allow a point of order. He needs to allow the minister to answer his question without getting into debate.

**The Chair:** — Thank you, Mr. LeClerc. I will remind members that this is a different format than the Assembly. It is question and answer. And if you're posing a question, please allow the minister to answer the question. There has been a question of relevance possibly on both question and answer, and there's been some levity there, so I just ask that you respectfully leave time for the member to place his answer, and as they're allowing time for the questions to be placed.

**Hon. Mr. Norris:** — Thank you, Mr. Chair. The question as I understood was about labour market development and labour force development. The significance is again that context. We're working in three key areas, focusing first and foremost on Saskatchewan, especially as it relates to our First Nation and Métis communities.

You've seen in recent weeks a new skills training initiative, federal-provincial. It's based in Saskatoon. This is the second

one of its kind. They're called ASEP [Aboriginal skills and employment partnership] initiatives. The first one is in northern Saskatchewan, a \$33 million initiative — the largest of its kind in Canada — working with a number of entities including Cameco.

The second one focused on Saskatoon, focused specifically on construction. It has the objective of helping to train 400 First Nation and Métis peoples in and around Saskatoon, not only in helping to enhance skills, training and education, personal and professional development, but actually utilizing that training process to build affordable housing throughout Saskatoon.

The second element, as consistent with a key part of the question, relates to a focus on expats. People across Canada and around the world need to know it's a great time to come home. And certainly through anecdote and through statistics, we're seeing that that option is being increasingly considered and taken. And we're also ensuring that the message is being sent that Saskatchewan is a great place for newcomers, whether from across the country or around the world.

And the reference by the member about something regarding the 1980s, I think the only reference to the 1980s is population — as just announced yesterday by our Premier — is the highest it's been since 1988. And so happy to respond. This complements some of those other activities in helping to ensure, again, we're focusing on a more robust construction sector and at the same time enhancing the element of choice; this within a broader priority of ensuring that Saskatchewan has increasingly diverse, dynamic, and cosmopolitan communities, Mr. Chair.

**Mr. Iwanchuk:** — My next question would be about who drafted this legislation.

**Hon. Mr. Norris:** — Mr. Chair, this is . . . Happy to return to this question. It's kind of like the movie *Back to the Future*. This is where we started. The legislation was drafted within the ministries of Advanced Education, Employment and Labour and, most especially, the Ministry of Justice.

**Mr. Iwanchuk:** — Now you earlier said that the legislation was developed through the ministry. Was the legislation developed by the ministry?

**Hon. Mr. Norris:** — The nuance in language is certainly appreciated. The legislation was developed both through and by both ministries.

**Mr. Iwanchuk:** — Now could you expand on what you mean by through?

**Hon. Mr. Norris:** — I will simply make reference to your question. What is it you meant by through?

**Mr. Iwanchuk:** — Well I guess the earlier questions were, who is involved in developing the legislation. And you said, through. So does that mean there are more people involved here?

**Hon. Mr. Norris:** — Officials within the Ministry of Advanced Education, Employment and Labour and officials within the Ministry of Justice contributed to the development, writing, framing. We can use any number of descriptive terms to

complete this legislation. I don't know, Mr. Chair; perhaps I'm missing a component of the question. But I've tried to be as forthright as I can in this matter.

**Mr. Iwanchuk:** — Well let me try a different way then. I have a list of individuals from Justice who work in legislative service and legislative drafting branches. And would you say that they developed and drafted this legislation, and there would be no one outside of that list?

**Hon. Mr. Norris:** — Mr. Chair, it would be a very curious day for us to begin to identify by name individuals within specific ministries who worked on pieces of legislation. I don't know where this question is going, but it would be curious to continue this line of reasoning.

**Mr. Iwanchuk:** — Well I'm simply not asking for you to say by name who worked on it. I'm simply asking . . . There is a list of names that we can get on the website where they're listed, people who work in the department. And my question is simply, would that be the group of people? I'm not asking . . . Just trying to define as to what you mean by through and developed, and say are these the people — and it is the drafting, legislative drafting branch of the Department of Justice — are these the folks that would be doing the work? Is there anybody outside of here that is doing the work?

I don't want you to say this person did this and this person did that. I'm just saying, here's the group — because it's like saying, here is the department. And this is just simply another question since you seemed confused earlier about, well, would there be any other people then, other than the people listed in the . . . This is a public document. It's on the website.

**Hon. Mr. Norris:** — The accusation of confusion I find rather unfortunate if not troublesome. The officials within the Ministry of Justice would determine the expertise needed that they would draw upon from that list, or those beyond that list within the Ministry of Justice. Those are determinations made at an operational level within that ministry. And so again, rather curious question, but perhaps this is going to illuminate something further and broader than I anticipated.

**Mr. Iwanchuk:** — I don't think you need get paranoid about it. It's just, are there any other people than the people in the department that you said, that worked on the drafting or developing of this legislation? It seems to me yes or no.

**Hon. Mr. Norris:** — Actually the . . .

**Mr. Iwanchuk:** — I'm not asking who decided who should do what. I'm just saying, are there any other people than the people listed on that site? Either yes or no.

**The Chair:** — Mr. Iwanchuk, I ask that you just place a question and wait for the answer instead of entering into debate.

**Hon. Mr. Norris:** — I think the term paranoid used in such a casual manner should cause the committee some concern. And if that's not obvious for the member, that probably says something in and of itself.

The question actually goes well beyond a personal feeling. It's

actually about ministerial responsibility and protection of the civil service, which is one of the hallmarks of our parliamentary democracy. And I would anticipate that the member asking this question, making reference to a list about who's done what within the ministry, would be seen as — at best — curious.

Mr. Chair, fellow committee members, I have done my best to answer the question. That is, within the ministries of Advanced Education, Employment and Labour, and within the Ministry of Justice, officials have worked to craft and complete this legislation. If there's an element of the question that I'm missing, again I'm happy to consider it. But the defence that I offer of the officials actually is well-grounded in our parliamentary tradition. And again, I'm a little surprised by the loose language that the member has offered, and certainly taken under advisement.

**Mr. Iwanchuk:** — Let me try in a different way then.

**Hon. Mr. Norris:** — I welcome that.

**Mr. Iwanchuk:** — Can you confirm to me that the only people who contributed to the drafting of Bill 80 were from within this group of people? Or were employees of the Government of Saskatchewan, such as those in the department of the minister's office . . .

**Hon. Mr. Norris:** — So now we've seen this question change somewhat, going from a specific list to extending out beyond this list. So what we're saying is the list that you have — haven't shared, but the list that you have — is no longer your reference point. The question now expands out across government. And I can say officials within the Ministry of Justice and the Ministry of Advanced Education, Employment and Labour helped to craft and complete this legislation.

Does that take care to address the essential element of your question?

**Mr. Iwanchuk:** — Well maybe we'll try. Obviously we're having the same problems we had with how many people it takes to form a union, but maybe over one.

Now you said earlier the governments shouldn't choose unions, workers should. Now we had a presenter here earlier that's . . . Ledcor has come in here and said, we only work with CLAC. My question would be to you, is this: can employers choose unions or should workers choose unions?

**Hon. Mr. Norris:** — You know, delighted to consider that. Certainly the question, and we'll get to the essence of it, but the mention of Ledcor . . . and one of the questions — you know, upon reviewing *Hansard* — I guess I'm a little bit surprised by the official opposition's continual referencing, interest in, maybe even an obsession with the Christian Labour Association of Canada.

Out of many of the pieces that I have been reading, for example on May 6, the member from Regina Northeast suggested that Bill 80 was undertaken in consultation with its fundamentalist cousins — fundamentalist cousins — the Christian Labour Association of Canada. He adds, not a union. And there are many reference points throughout transcripts from the House

and in committee where these questions about the CLAC have come up. My sense is the official opposition has some concerns — not certain whether those are just simply echoing concerns perhaps presented by other entities or whether they're legitimate. And that is authentic within the official opposition. Not certain what their origin is, but I think this interest . . . And if I may, Mr. Chair, there is a point to this.

[14:30]

I think the reference would be, what experience is there with the Christian Labour Association of Canada? We know that it works in different jurisdictions. For example, in Alberta it works in the energy sector, for example. You know, it's worked with Ledcor, and Ledcor works with and supplies workers for a number of other entities.

We can quote right from this 2005 *Globe and Mail* article where Ledcor and the Christian Labour Association of Canada has worked with Suncor Energy and a company you'll probably be increasingly familiar with, and that is Nexen. And so the interesting phrasing that we see in and around the Christian Labour Association of Canada, the official opposition, as I say, disparaging, certainly disparaging this organization . . . And yet we've seen this organization work closely with a number of corporate entities, including one, as I say, increasingly perhaps of interest to those members of the official opposition, including Nexen.

So you know, Mr. Chair, I'm interested in the members opposite as they continue to focus on this organization, and happy to continue to delve into past and ongoing practices of this organization. But I am trying to understand the fixation of the official opposition of this specific organization. And so perhaps you can reframe the question, giving me some context.

**Mr. Iwanchuk:** — The minister himself, sort of in full flight when he was talking about freedom of choice for workers, Mr. Chair, talked about, talked about, made the statement . . . We can check *Hansard*, but he said governments shouldn't choose unions; workers should. I was simply bringing up to him a statement that was made to this hearings where one of the presenters said that they only work with CLAC.

And my question then to the minister was, does he think employers — it's a simple question — does he think employers should choose unions or should workers choose unions? And he couldn't answer that. He went off on, I don't know, my fixation with CLAC. That wasn't the question. The question is . . . It was nothing about CLAC in my question. My question was — so I'll try again — can employers choose unions or should workers choose unions? That is the question. There was nothing there about CLAC that caused him to bring Nexen in even which . . . But again just, you know, take it easy and we'll get there.

**Hon. Mr. Norris:** — You know, your condescension would make for good reading in a Jane Austen novel. The quote that I offered would be attributed to, and I think I said this quite clearly, the CEP. And I think your previous presenter, as I was able to view online, helped to address some of the key elements of that very question.

And so the arrangements that are currently within Bill 80 preclude additional labour organizations from participating. The selection, a member going to work for a unionized organization goes to work for that employer and is already part of that union. All we're attempting to do is ensure that there is a greater range of employers and unions available.

**Mr. Iwanchuk:** — Maybe I'll just try one more time, and just these two things. You said governments shouldn't choose unions; workers should. My question is, should employers choose unions or should workers?

**Hon. Mr. Norris:** — The empirical reality is, both happen. We know that, especially when it comes to project agreements. But overwhelmingly workers choose unions.

**Mr. Iwanchuk:** — Thank you very much. That's all I wanted to hear. Now just back to one other thing you've said, and this . . . now you said nurses can be represented by SUN or CUPE. Could you tell me where CUPE represents nurses?

**Hon. Mr. Norris:** — CUPE represents LPNs [licensed practical nurses].

**Mr. Iwanchuk:** — Oh. So I guess they don't represent nurses then, like RNs [registered nurses].

**Hon. Mr. Norris:** — Sorry. Did you just call LPNs . . . that LPNs are not nurses?

**Mr. Iwanchuk:** — No, I didn't say that.

**Hon. Mr. Norris:** — Just for the record, I'm just trying to make sure I understand your question very clearly.

**Mr. Iwanchuk:** — About SUN? At the time, the question was around the Saskatchewan Union of Nurses, and you answered that nurses are represented by both SUN and CUPE.

**Hon. Mr. Norris:** — I just said LPNs are represented by CUPE.

**Mr. Iwanchuk:** — Yes, I understand that. Sure, but . . .

**Hon. Mr. Norris:** — You're the one that's . . .

**Mr. Iwanchuk:** — No, no. Registered.

**Hon. Mr. Norris:** — You're the one that made that distinction.

**Mr. Iwanchuk:** — Okay, registered versus . . . Does CUPE represent registered nurses?

**Hon. Mr. Norris:** — SUN is the bargaining agent for registered nurses. Again, what we find, Mr. Chair, is the qualification and amendments to previous questions and . . . Well, we're getting used to it.

**Mr. Iwanchuk:** — Thank you very much for that supplementary. Given that the LRB has been able to rule on abandonment and has been supported by courts in those rulings, why is it necessary to include abandonment in Bill 80?

**Hon. Mr. Norris:** — Certainly, given the sensitivity around a minister commenting on some vital aspects of the LRB, I think what I'll do is refer to Mr. Carr. I know there are a couple cases. And that way, Mr. Carr, you can give that a little bit of shape.

**Mr. Carr:** — Thank you, Minister. The issue of abandonment is a concept that has been of some longstanding within the Saskatchewan labour relations community. For some 25 years in Saskatchewan, the issue of abandonment has been available as a remedy. For over 50 years, in the Canadian context, abandonment has been an issue that has been addressed in various jurisdictions.

In terms of recent court decisions and a recent Labour Relations Board decision, the court decision came in the Graham Construction case, and the Labour Relations Board decision in Saunders Electric identified very significant issues around the fundamentals of abandonment principles. Those gaps created very significant issues for the labour relations community, and Bill 80, through the amendments that address abandonment, seeks to fill those gaps.

**Mr. Iwanchuk:** — My next question would be, do any other Canadian jurisdictions have retroactive abandonment provisions?

**Hon. Mr. Norris:** — You know, by the very definition of abandonment, various labour boards across the country have to look retroactively . . . part of the nature of the claim.

**Mr. Iwanchuk:** — Do you know specifically which ones? Or are you talking about cases? Because I asked about provisions in Acts actually, as opposed to . . . It sort of sounds to me you're talking about cases. The question was, do any other Canadian jurisdictions have retroactive abandonment provisions?

**Hon. Mr. Norris:** — Given the significance of the two cases referred to by Mr. Carr, this is unique in Canada. It's taken for granted in most other jurisdictions in the country. We're just giving it express voice to ensure that the direction is explicit and obvious.

**Mr. Iwanchuk:** — Okay, so then the answer, there are no other provisions in the rest of Canada that deal with retroactivity.

**Hon. Mr. Norris:** — As I've said, this is unique in the country.

**Mr. Iwanchuk:** — Can you tell me then, since you say it is unique, why is it necessary to make abandonment provisions retroactive and make them as provisions?

**Hon. Mr. Norris:** — This is a question . . . We're being explicit. Again this is implied in other jurisdictions. We're giving very explicit direction as a result of these two cases.

**Mr. Iwanchuk:** — Could you list the cases for us?

**Mr. Carr:** — As I had mentioned previously, they are the Graham Construction case and the Saunders Electric case.

[14:45]

**Mr. Iwanchuk:** — Just to take you back one more time, maybe we can . . . Did anyone who is not an employee of the Government of Saskatchewan contribute to the drafting to the legislation?

**Hon. Mr. Norris:** — Once again, the development of the legislation was done through the two ministries, Ministry of Advanced Education, Employment and Labour and the Ministry of Justice, most specifically.

**Mr. Iwanchuk:** — Okay. Now you have said that the current CILRA may be unconstitutional and I guess I'm wondering how you arrived at that opinion — if you were given some outside advice or whether this was something internal to the government.

**Hon. Mr. Norris:** — As part of our due diligence, we asked the Ministry of Justice to undertake an investigation into that very issue.

**Mr. Iwanchuk:** — Is there a report on this?

**Hon. Mr. Norris:** — I have a legal opinion, yes.

**Mr. Iwanchuk:** — Pardon me?

**Hon. Mr. Norris:** — Yes, I do have a legal opinion.

**Mr. Iwanchuk:** — Are you prepared to share that with us?

**Hon. Mr. Norris:** — No, I'm not.

**Mr. Iwanchuk:** — Okay. So obviously you haven't provided this legal opinion to anybody outside of government?

**Hon. Mr. Norris:** — No, we haven't.

**Mr. Iwanchuk:** — Now just to go back to the Saskatchewan Union of Nurses questions that we had before. If I'm correct and understanding, if the question then was for registered nurses, there is the Saskatchewan Union of Nurses represents them. And my question at that time was, is it the thinking within your department or yourself that you would be, in talking about freedom of choice, would you be allowing other unions to organize registered nurses in the province of Saskatchewan?

**Hon. Mr. Norris:** — Again we're stretching regarding Bill 80, but the technical matter is one where the choice, ultimately through due diligence, would be a matter of those employees. Certainly, you know, at present that's through SUN, but that's under *The Trade Union Act*.

**Mr. Iwanchuk:** — And so you don't need a large comment, but I guess in terms of things like the Dorsey Commission or the Goldenberg and Crispo report or the Franks report, any comments regarding those reports? And maybe it's not even a fair question, but talking to stability of labour relations regimes.

**Hon. Mr. Norris:** — Well reaching questions are a matter of course today, so we'll . . .

Let me just go back. For the record, SGEU [Saskatchewan Government and General Employees' Union] has some nurses

through Corrections, and CUPE has some through Valley View. Again it just elaborates a little bit on that earlier question — want to make sure that's clear.

Regarding this broad question, I think certainly again, in reviewing some of the material, you've seen a shift — and I'm assuming you're making specific reference to the construction sector here — that is, we've . . .

**Mr. Iwanchuk:** — Just to clarify, the Goldenberg and Crispo report were strictly construction, but we had others that deal with industries like Dorsey, so I just . . .

**Hon. Mr. Norris:** — I was wondering how nurses fit into that question, but we're back over here. What we've seen is a pretty significant shift within the sector from what used to be 80/20 unionization to the reverse regarding unionization in the construction sector. And so, you know . . . And certainly we know there's more nuance as we get into some specific trades.

If your question is regarding sense of stability, sense of certainty, I think the important piece here, I think the focus here and certainly the approach we've taken, is one of working towards a golden mean.

There are some across Saskatchewan who would advocate, just simply, the end of this Act. There are others who seek the status quo. And somewhere between these two — that is, maybe excessive correction as far as ending the Act, and to deal with some of the deficiencies — what we've tried to do is find that golden mean. That is, make practical, common sense, moderate, balanced amendments. And certainly we approach this table with a sense of open-mindedness and that's the frame within which we've worked on this. That is, let's try to refine this piece of legislation; let's try to renew it.

And when there would be forces on either side demanding more or demanding less, as the case may be, I think we're pretty close to finding that sense of balance. So if your broader question is about anticipating disruptions within the construction sector, if that's the nature of your question, then, you know, we anticipate that the investments that have been made already and we anticipate that will be forthcoming are going to help to fuel the Saskatchewan economy, help ensure that we're sustaining the growth, help to provide a platform for us to then share the benefits of that growth with people of the province.

And while not perfect, we think on the infrastructure side we've taken some pretty significant strides forward here to help address that infrastructure deficit. And so, you know, our sense is, within the context of the contemporary construction labour relations frame, we think this is fair and balanced. And certainly we've heard voices of concern, and we've heard voices say that they would like more than this Act. We think we're doing a pretty good job in helping to address both of those poles, and certainly also mindful of questions of constitutionality in coming forward and giving shape and expression to these amendments.

**Mr. Iwanchuk:** — Mr. Chair, I'd like to thank the minister. I see a number of my colleagues waving at me. And I thank the officials who are here and I look forward to further questions,

but I think I'll allow some of my colleagues to take over that role. Thank you.

**The Chair:** — Thank you, Mr. Iwanchuk. Mr. LeClerc.

**Mr. LeClerc:** — Mr. Minister, I only have five questions. Many of these questions are specific to Bill 80 and some of them are questions that I've asked some of the other witnesses, and they're more for clarification for me to try to understand the pros and cons of it from the witnesses that have come up on Bill 80 specifically. And you might want to take note because there's one or two of these questions that have kind of a diversity to them.

The first question, and I've asked this and have stated through four days of witnesses and meetings now over this, is: it is my understanding from what I see as opposed to Mr. Murray Mandryk's comments — if it ain't broke, don't fix it — that in fact it is broke around the abandonment piece. That's come out from witnesses on both sides of the argument very clear.

And I think in our own discussions here among each other that this piece of legislation that was put in the year 2000, which changed the abandonment piece that actually . . . the change in the year 2000 is what made it problematic, and that up to that point we didn't have a problem and we didn't have these challenges on it and we didn't have to address it until the year 2000 created the problem. Am I correct? Not correct? Could you provide me some clarification on that?

And secondary, is it that we are what I call grandfathering it? Because it was already grandfathered in the first place under the first piece of legislation in 1992 that covered all of the grandfathering of these spinoff companies, and that we're just playing catch-up actually on, I guess, making sure that some company like Saunders isn't hurt in the mix by not going back far enough.

**Hon. Mr. Norris:** — Sure. I can speak very generally, but I think what I'll do, just given some of the potential sensitivities around the issue of abandonment, I'm going to let Mr. Carr just walk through some of the history and again revisiting the case. Again it's a pretty technical question. Mr. Carr. And I'll maybe summarize some of your statements.

**Mr. Carr:** — Thank you, Minister. Certainly from the perspective of the question of abandonment, there was a view that the matter was fairly well settled in a decision in 1984. And that even though *The Construction Industry Labour Relations Act* first appeared in 1979, there was a pretty clear set of cases, in particular Wappel Construction in 1984, that put forth this concept of abandonment and demonstrated that the board had an appreciation for and a willingness to ensure that certification orders were not left in abeyance and the rights that workers had sought to exercise through the certification of a union weren't being ignored. And so you saw in a situation with, at least in Saskatchewan from 1984, where the issue of abandonment had been quite effectively dealt with by the Labour Relations Board.

That changed actually with the Graham Construction case. And the Court of Appeal in Saskatchewan found that there were problems with the Labour Relations Board exercising its discretion to address abandonment issues in that particular case

because there was a particular lack of an expression within the statute that gave rise to the authority, a stand-alone authority, to deal with the question of abandonment.

Subsequently a decision of the Labour Relations Board of Saskatchewan, Saunders Electric, expressly set out the idea that the Labour Relations Board lacked the authority to address abandonment. That was a significant gap in the statute and it created a significant set of issues that in our respectful view were appropriately addressed in Bill 80.

[15:00]

When you think about this concept of grandfathering, there is a fundamental public policy issue in play here and that is the issue of, what obligations do unions and employers have where there is a certification order that binds them in a collective bargaining relationship? And it's always been the view of the government of the day and of the Labour Relations Board that there should be specific processes to ensure that the parties were compelled to live up to their obligation, either as an employer with a certified group of employees represented by a union, or by a union who held a certification order again for a group of employees.

So the issue of grandfathering changed somewhat when the Act was reintroduced after it had been repealed and brought back into existence in 1992, but the fundamental problem around abandonment, it was felt, was still satisfied based on the case law, the labour relations law of the Labour Relations Board that had emerged since 1984. It was only when Graham and Saunders were very clearly decided that there was a clear understanding that from a public policy perspective a gap existed that was causing some detriment to workers and to employers.

**Hon. Mr. Norris:** — I think everyone around the committee table has received the submission by Dr. England. He's at the University of Saskatchewan. There's a line that I think summarizes Mr. Carr's work and that is to paraphrase, Saskatchewan would have "an unjustifiably narrow doctrine of abandonment that is out of line with its counterparts across the country." And this may discourage employers from operating within Saskatchewan and may "discourage employees from moving to Saskatchewan to seek work." I think that's the spirit Dr. England has written about it and Mr. Carr has walked through some of the specifics of the question, if that offers an adequate response to your question.

**Mr. LeClerc:** — It does. My second question is again a clarification.

A number of witnesses have quoted, and some of them who were actually against Bill 80 also confirmed it, that Saskatchewan is unique in all of Canada in terms of the labour legislation that we have. And that it is not only unique to some of the other provinces, except for Quebec, but it is also unique within our own province with the other unions in that we have the 17 silos that are the only ones recognized. They have been set up by the minister and the minister only of whatever. And the power for whatever government of the day, the minister there has the power to add or delete, I guess. And that it forbids another union, maybe of the same trades even, a second

carpentry union . . . I'm not, you know, very versed on the 17 unions. But it seems to me that not only is it unique for all of Canada but it's unique within our own province.

And I know that this brings me to two concerns specifically. The one concern, for instance, is what the member in opposition kept bringing up, nurses and SUN. I mean, as I understand it, the nurses are represented by two or three different unions. There's three unions that have members, have nurses in them. And I would presume that a nurse could join a fourth union if a fourth union came along and said, we would like you to join us, we can represent you, we can do whatever. And yet in the building trades, that's not the case. That's the one thing that I have problems with in terms of this monopoly — monopoly that seems to be unique for not only all of Canada, but unique within our own province. That is the one issue I'd like you to speak to me about.

And the second issue is something that Mr. Elhard brought up, and something that was brought up by the last witnesses, CEP, on this and which was brought up prior by another witness. On this BC ruling that just happened in the last couple of years on this monopoly piece in the BC health that has changed BC and has, I think, almost made a ruling that this monopoly that we may have in our province is anti-Charter.

Could you, if you're free to speak to that, in your opinion, could you address those two particular issues?

**Hon. Mr. Norris:** — The two elements really premised on your point, and I think you've spelled it out quite clearly. Saskatchewan does have this anomalous, very restrictive, almost hermetically sealed construction industry labour relations Act. And as we seek to encourage and foster a more robust construction sector, I think the question is a fair one.

And again, we've tried to balance. There are those calling for the end of it. There are those calling just simply for the status quo. What we've said is, you know, let's see if we can find a golden mean here, something reasonable and practical. Let's see if we can have a sense of renewal and at the same time not force anyone to change. Those that seek to stay with the status quo, they're offered the reassurance that they need not change. But there is increased opportunity for the choice of change if and as they so seek within this sector.

The questions that you've raised, especially the second one, the BC case really references the significance of freedom of association — and one of the fundamental freedoms contained within the Canadian Charter and one that obviously we take very seriously. And hence, as I looked at the existing legislation as part of our due diligence, that's why I wanted an opinion out of the Ministry of Justice on what this looked like. So certainly we're attentive to it, and that helped to inform part of our due diligence.

The notion of monopoly, if I can phrase your first question in and around that, again trying to find that sense of balance. And that's why maintaining the status quo, an option that remains as part of this Act, and at the same time the capacity for the organization of multi-craft unions within Saskatchewan — a practice that, and I think you've heard today alone, but certainly a practice in British Columbia and Alberta, in Ontario, and

across North America, a practice that I think probably helps to define a modernization of labour relations in contemporary Canada.

And so we think Saskatchewan certainly should be consistent with the constitution of the country, and more instrumentally, we think that it certainly should have — again through this balance — should allow for the organization of multi-craft labour movement, labour units. So that's where we see . . . Again I may have missed a couple pieces, but those are the key elements that I see consistent with best practice across the country and certainly attentive increasingly to freedom of association.

**Mr. LeClerc:** — My next question is something that Mr. Iwanchuk has asked a few times from different witnesses, and asked today. And I'm trying to also get clarification, and I might not be coming from the same direction as he, but there was . . . Ledcor came in and basically said, we work with CLAC, and we work with CLAC across the country. And he named, you know, a multiplex of projects that they're with in the oil sands and everywhere else.

And he was asked during that time, if you come to the province, you would be bringing your CLAC with you, with your union. And from my understanding, never been a member of the union so I'm speaking in naïveté here, and I want some clarification of it. I would presume that Ledcor uses CLAC because they're multi-craft union. And they have made the decision to work with multi-craft as their union of choice. And as I guess Nexus . . . Mr. Lingenfelter worked for Nexus for five years. CLAC worked with Nexus. I guess there is some legitimacy there in some association that CLAC is in and of itself a good union. And it's a multi-craft union.

And so the question then comes, if they come, can someone, I guess, go to work for Ledcor and not be part of CLAC? But my understanding of unions is that if a union has a project, and you go to work in that project, you've got to join whatever union that is representative in that project. You don't have a particular choice. If a company uses or there's a bargaining of the carpenters and their union shop, they go and join that union. If you don't want to join that union, you go to a non-union shop and go and work on that project. So you have the choice of being part of that or not being part of that. And I would presume that you have a choice, if you want to work with Ledcor, to either be a part of CLAC or not be part of CLAC. It doesn't limit your choice; it's just that they have chosen to work with a union.

So could you give me some clarification, because I'm not seeing as Mr. Iwanchuk sees it as a lack of freedom or choice. I just see it as a reality that it's already being practised in this province, and I also see it as a reality that you do have the choice, and you want to take the job and work with CLAC or you don't, just as a company has a choice of what unions they want to work with or be non-unioned.

**Hon. Mr. Norris:** — I'll let Mr. Carr walk through some of the specifics, but the answer is, you know, there are processes of accountability, and a little competition isn't a bad thing here. And, Mr. Carr, why don't you walk through options for certification and what that looks like.

**Mr. Carr:** — Sure. Thank you, Minister. The point I guess to be made here is that *The Trade Union Act* provides a certification process, and it's based fundamentally on the choices that individual workers make collectively as to who will represent their bargaining interest.

The issue that you've raised in your question with respect to Ledcor, Ledcor may have a collective bargaining relationship with CLAC in Alberta. It may be based on a certification order in Alberta.

When they come to Saskatchewan, there is no certification order at this point that I'm aware of. And if the employer, Ledcor, engages the services of a group of employees, their representation rights will be determined by their desire with respect to representation. And they will work, either through a union to make application, to achieve a certification order with that employer, or — as is presently the case under *The Construction Industry Labour Relations Act* — an employer may enter into a project agreement. For the duration of a specific project, a agreement may be struck by a specific union and a specific employer, at least in the context of what is proposed under Bill 80. And in that situation, for the duration of that project, there would be an agreement that would have determined terms and conditions of employment and who has the bargaining rights on that project.

[15:15]

That does not preclude the normal operation of our *The Trade Union Act* in that, where a circumstance arises and a collective agreement is in place, a group of employees may reach a determination of a desire to be represented by a different bargaining agent. They may desire a different union, in which case they will make the appropriate applications under *The Trade Union Act* during the appropriate period and will then, on the basis of that application, change unions.

Now the important point with respect to your question is that there has been present, since at least 1992 in this province under *The Construction Industry Labour Relations Act*, an ability exactly as I have described for employers and unions under that Act to enter into this type of project agreement. So we are continuing that process and that opportunity. And Bill 80 is simply opening up that opportunity to other employers who are not members of an REO and other unions who are not specified in the existing *The Construction Industry Labour Relations Act*.

**Mr. LeClerc:** — Thank you very much for that question. I think the majority of people in this province are much like me — that are not anti-union, aren't pro. We're just sort of trying to strive and figure out what's going on with this Bill. And I thank you for the clarity of your answer there, because it certainly now has brought me to some understanding of what this means for our province.

**Hon. Mr. Norris:** — If I may stray, I will add this. I think the traditional lines that there would be some notion that this piece of legislation would have employers on one side and organized labour on the other, I think, certainly what I've seen and read as a result of the proceedings here, and why I think it's been so helpful for the committee to do this work, is that it's not organized along those lines.

As far as those with concerns about the legislation and those supportive of the legislation, we've heard from organized labour supporting this legislation, and we've heard from some employers with some legitimate concerns. And I think this is where it's very helpful to say again this goal to strive for that golden mean — something that is practical and workable, something that's balanced and moderate providing for a more robust construction sector and at the same time drawing on that sense of continuity for what's already been in place.

So I think the question is important because it helps to highlight there just is not a simple division here; this is more complex. And as a result of that, the proceedings which are under way become that much more important.

**Mr. LeClerc:** — Thank you, Mr. Minister. During the past four days, on both sides the question of apprenticeship has come up, and the question of safety has come up. And there has been with some witnesses questioning whether allowing Bill 80 and having other unions come into the market would be a detriment to our safety. There's been others, witnesses that have spoke to that the safety is really a government piece of legislation that monitors safety through occupational safety standards.

As well as the apprenticeship, there has been some referral to British Columbia, and that there has been some disintegration, I guess, of apprenticeship programs or numbers. And yet on the other side of it, again the response to that has been from some witnesses that with our legislation and our province that deals with apprenticeship, deals with certification of journeymen, that deals with the apprenticeship numbers attached to a journeyman, that that would not be a concern for Bill 80.

So could you speak to this both and Bill 80? Would it change, impact, diversely effect negatively the safety factors within our province for our workers and the apprenticeship, in terms of certification and apprenticeship numbers attached to journeymen?

**Hon. Mr. Norris:** — You know, these are two themes that are profoundly important. And I'll deal with the apprenticeship piece first, as you framed it first, and then we'll focus on the safety component — both vitally important.

Let me give you a sense of what we've been able to accomplish with partners but led by government on apprenticeships. In 2004-05 there were approximately 5,400 apprenticeships in the province. In '05-06 that jumped to 5,900. In '06-07, 6,700, thereabouts. What we have been able to do in the 18 months or so that we've been in power, there are approximately 8,500 apprenticeships in Saskatchewan. As I highlighted last fall, we announced an additional \$3.5 million outside of budget cycle. We anticipated that would lead to the creation of 900 additional apprenticeship positions, seats, and we've seen that through the good work of the apprenticeship commission, which I want to applaud, an additional 1,100 — not 900, but 1,100.

The budget, as it sits as I've highlighted, more than 17.7 million from the Ministry of Advanced Education, Employment and Labour, which is a significant boost over previous years, including our own. The apprenticeship commitment is one that needs further work, there's no doubt about it, but we've tried to demonstrate early and substantively that we are there. That

wasn't just one-time funding. We came in this year's budget and we actually included that additional 3.5 again. It set a new baseline for us.

What's important here is as we went, especially in the SIAST system, the physical infrastructure is so constrained that we made sure that post-secondary education was included in the booster shot and has been included subsequently in this budget. And now we have partnered and successfully negotiated through KIP, the knowledge infrastructure program, with the federal government.

And so our recent announcement, undertaken at SIAST in Saskatoon, announcing some of those dollars that had been previously announced because they were part of the package. The federal government said no, we're not going to penalize Saskatchewan for getting out in front and making those investments, but also we added to it new dollars on the provincial side, and the federal government came in for a total announcement of about \$117 million. So in large measure, working to help address the needs of learners, scholars, and most certainly apprentices. So, great question.

This Bill is not going to in any way detract from again there's more work to do, but I would say that we have come off a very quick start with substantive investments, both in the specific apprenticeship seats and in some of the infrastructure investments that were required as well. And this Bill is going to do nothing to deter us from continuing to work with our partners, both unionized and non-unionized, and within the post-secondary system. And so, excellent question.

In fact what we've done is, through the graduate retention program, we made sure — and I made a very specific public policy choice, one that was approved by cabinet — those in apprenticeship programs are covered by the graduate retention program.

So I think we have a bundle. Is it far enough, fast enough? No. But we've tried to demonstrate very specifically Bill 80 is going to do absolutely nothing to undermine the current work and the future commitment that we continue down this path. So I hope that answers part one.

On part two, the issue of safety. I think it's safe to say there's a consensus in the province that a lot more needs to be done. And maybe, Mr. Carr, you can get for me some of the occupational health and safety numbers out, and I'll walk through that. We need to do a better job here.

For a number of years Saskatchewan has had a very troubling record. And while we're making some advances — not enough and not fast enough — and so we would have already one of the worst records in the country. I would say anyone arguing that on issues of safety, the status quo should be kept in place; I would point to the obvious and empirical data to say more needs to be done here. We actually need to enhance what we're doing.

And certainly I'll give you a sense of out of the ministry what we're doing. We have operationalized the WorkSafe Saskatchewan MOU [memorandum of understanding] between Occupational Health and Safety and the WCB [Workers'

Compensation Board]. We're working to create a culture of health and safety that helps to better prevent injuries, and there is a lot of work to do here. There is a lead role for government, and that's one of the reasons that we are leading, through the WCB, through the work and partnership that we have through the ministry, on Mission: Zero. The goal is clear. The way is long, to be sure, but the goal is clear.

So there may be some questions we'll . . . And certainly we've seen some questions about this: so what are you actually doing? In '08-09, occupational health officers conducted 3,851 on-site inspections. Officers issued 5,735 notices of contravention, an increase of 22 per cent from '06-07. Officers quadrupled the number of times they stopped work to correct unsafe conditions, from 210 in '06-07 to 942 in '08-09.

More resources have been put forward to occupational health committees. Now more than 92 per cent of workers are covered by these committees across Saskatchewan, and we're expanding the ready for work program in Saskatchewan schools with a focus mostly on those middle years, grades 6 to 9.

Since '07-08, that commitment to safety has continued. So we've undertaken 193 more workplace inspections, 1,185 more stop work orders. Notices of contravention and compliance assurances have been issued, and 625 more stop work orders — those are specific — have been issued.

And the stop work orders, let me just walk through the numbers just to give you some sense on a year-by-year: '06-07 stop work orders in Saskatchewan, 210. In '07-08, 317. In '08-09, 942. Gives you a sense of that commitment that we have.

[15:30]

Now is there more to do? There's certainly more to do. Is this the sole responsibility of government? The answer is the government has the obligation to lead, but this is a shared responsibility. And what I have been impressed with, I've had the opportunity to meet with the safety committee of the SFL. The members from the opposition might take note that we actually undertook some very specific action and that is a workplace smoking ban that the previous government did not have in place. We put it in place with some of the members opposite coming and saying, bravo; right step. And so is there more to do? Yes, there is.

Again nothing in Bill 80 is going to detract from the work that's under way. And again focusing or pointing to safety as a rationale for keeping the status quo, we know the status quo has to change regarding safety in Saskatchewan. We need to be more attentive to it. And I'm very pleased to say we've had positive responses from unionized and non-unionized entities across Saskatchewan as we're focusing specifically on steps that can be taken.

And, Mr. Carr, are there any specific other elements of empirical data that you can maybe walk through?

**Mr. Carr:** — Certainly, Minister. Thank you very much. In the construction industry last year, there were 346 time loss claims filed with the workers' compensation system and 724 no time loss claims for a total of 1,072. That's construction trades. Then

you have performance in residential construction where there were 1,355 claims, and then commercial, industrial construction where there were 1,384 claims.

If you look at what that translates into in terms of frequency rate, the frequency rates in for those three rate codes went down in the construction trades category from 7.19 per cent to 6.46, and residential construction down from 9.7 per cent in '07 to 8.23. Unfortunately it went up in industrial construction from 6.57 to 7.38.

The one thing that I would want to note, Minister, would be that, of the work site inspections conducted by the occupational health and safety branch in the last year, fully one-third of the inspections carried out were conducted on construction sites across the province.

**Mr. LeClerc:** — Thank you very much.

**The Chair:** — One more brief question, Mr. LeClerc.

**Mr. LeClerc:** — This is the same question that I've asked a multiplicity of times. For me, the central issue of all of this is our economy, our projects, projects that are near and dear to my heart like the children's hospital in Saskatoon. We have a labour shortage. And I have asked just about every witness this same question.

The status quo currently has not been able to deal with our labour shortage, and we have more projects and more funding going into infrastructure that any other time in the history of our province, and possibly, certainly more than our neighbours beside us. And the only answer that I've been able to get from the current status quo is something under the current unions called travellers that are able to come in from elsewhere under the different trades into our unions.

My question has been, well if that's the case, why do we have this horrible labour shortage, and why are all of our projects at risk? And I have asked this, I guess, of every witness. My question then comes, will Bill 80 help us in our economy, in our labour shortage to handle these projects, grow our skilled workers, grow our population, and is there any negative downside to this when the economy cools?

**Hon. Mr. Norris:** — Thank you very much for the question. The question's an excellent one. Increasingly in our ministry, we're focusing — and not just in the ministry, but in other parts of government too on various aspects of talent — that is, how do we work more efficiently and effectively to nurture, encourage, develop talent. And we can think about any number of partners, institutional partners that we have.

Again we make reference to the significance for example of First Nations and Métis people in Saskatchewan. Across the ministry, there would be about 70,000 learners. About 13,000 of those are First Nation and Métis. That's a pretty significant cohort. I was just recently at the graduation ceremonies of SIIT [Saskatchewan Indian Institute of Technologies]. I went to the graduation of those moving out from NORTEP [northern teacher education program]; I was in La Ronge for that. SUNTEP [Saskatchewan urban native teacher education program]; I went to those. And those are very rewarding

experiences. Those are important.

And so we know that there's more to be done here. And that's why we pushed as hard as we did, and I want to applaud the federal government for taking the position it did regarding this skills training initiative and ASEP initiative, most recently in Saskatoon. There's certainly more work there. So one element of the ministry focusing on nurturing that talent, especially through partnerships.

Another element focusing on attracting and retaining talent — very important. Again, going back to a legacy piece in Saskatchewan — too often, too many of our people have left the province. And we're working diligently through a number of initiatives to help ensure that that doesn't happen — that is, once skills training is in hand, once education has been accomplished and completed — that people stay here and call Saskatchewan home. And I think we're seeing some measure of success.

Again the recent numbers that the Premier announced yesterday, we're seeing continued population growth, both from those across the country and around the world. And just last week we launched our new immigration strategy for the Government of Saskatchewan. And I think there's real promise there, and we can get into some of those details. Again the goal: how do we help foster, facilitate, and enhance more diverse, dynamic, and cosmopolitan communities.

The next element regarding talent, and that is this transitional piece. We know there are layoffs, and we're seeing those. And so we've established the rapid response teams that are there because there are more than 5,000 jobs still open in Saskatchewan. How do we do a better job at skills assessment and, where necessary, facilitate training for that transition so individuals can move from facing layoffs to entering the workforce? And there's more work to be done there.

Certainly I've had recent conversations — because a part of this relates to EI [employment insurance] — and have had a recent conversation with Minister Finley, still focusing on making sure that the processing times in Ottawa are reduced. And you've seen recently an article out of Alberta where those times are certainly a concern. They continue to be here, but we have seen some progress.

The element that we're focused on with Bill 80 relates to enabling talent. That is again, through this means of ensuring that no one is being forced to change but that option for change or choice is there, it enables more individuals. And we've heard, as a result of the hearings through this committee, that there are more than 1,000 people, of Saskatchewan residents who can't work in Saskatchewan right now, and we think that's just a shame. They ought to be able to come home and work in Saskatchewan. And certainly during the campaign I had an opportunity to meet one of those individuals. And you start to hear about, on a weekly level, what that looks like.

So it's a roundabout way to say there's obviously more going on than that, but it's through that lens of focusing on talent, helping to meet what I call our talent challenge, that I think Bill 80 is going to attract more companies; it's going to attract more unions into the construction sector. And certainly you've heard

from a very influential union today about its support for this Bill. We think that's going to lead to a more robust, competitive but fair, flexible, and effective construction sector. And importantly it's also going to offer a greater degree of choice for employees. It helps to address the abandonment issue.

And again we have a bit of an exception here in Saskatchewan, and we go back to what Professor England has said, this narrow doctrine of abandonment that is probably out of line in Saskatchewan with contemporary Canada, and so moving forward there.

Fair, balanced, practical, pragmatic, trying to find that golden mean — that's the goal here. And I think this is going to help foster greater economic development in the province and most importantly share the benefits of that, whether it's through more competition on bids.

That is, I think taxpayers have every right and citizens have every right to ask us, are you maximizing public dollars, are you getting the highest value for public dollar? And certainly, this is an attempt to help ensure we can respond, yes — yes, greater competition but within a framework that is still fair, still has that sense of moderation. Those on either side — those calling for the status quo, perhaps unhappy; those calling for an end to the Act altogether, unhappy.

We think we have it pretty close. But we approach the whole process through the consultative efforts of this committee and our own in the ministry with an open mind.

**Mr. LeClerc:** — I wish to thank you, Mr. Minister, and your officials for the clarity of thought in the information that you've provided me today in these five questions. These have been the thrust of my questions throughout these hearings as a non-union, educated type of person.

And I think you have not only provided me with a clarity of thought, but also provided the people that are viewing this through the Internet stream. And I'm getting a lot of comments in my own email that they are watching this closely. And I thank you, not only on behalf of myself and this committee, but also on behalf of them.

Thank you, Mr. Chair. My questions are done.

**The Chair:** — Thank you, Mr. LeClerc. With that, we'll take a short five-minute break to facilitate comfort levels of the room. And we'll be back shortly and carry on.

[The committee recessed for a period of time.]

**The Chair:** — Welcome back, all the members of the committee and our guests. We will carry on with our hearing. Next questioner will be Mr. Yates.

**Mr. Yates:** — Thank you very much, Mr. Chair. My first question has to do with why this Bill was introduced. And I want to talk about a discussion that occurred on August 2, 2006 at the Delta Bessborough with the then leader of the opposition, Brad Wall, at the Saskatchewan Provincial Building & Construction Trades Council meeting when he was asked the question, what would the party do with the CILRA if they were

to form the government? The answer was that the CILRA was not a barrier to growth and indicated they would not change the Act. Now, there were more than 200 people in the room who all remember that conversation well. Between August 2, 2006 and November 7, 2007, what changed?

**Hon. Mr. Norris:** — Well I think what's significant here is the due diligence, which I've already alluded to today but made specific reference to, as we went forward with second reading. If I may, I'll just repeat it here. "Mr. Deputy Speaker, the Bill is also 'likely unconstitutional.'"

So that's one element. The constitutional framework within which we all live is certainly significant. That's one of the questions that's been raised today regarding the BC health science case. So that's one element that has changed obviously.

The second element . . . And certainly those words carried some very real weight as we looked at what some options were, and I think this is where we have this sense of balance. And that is, while there are those calling for the maintenance of the status quo, there are also those that have called for the, essentially, the elimination of this Act.

And so with those words in mind, within a dynamic environment both within Saskatchewan in construction, within the sector, and especially within the constitutional setting, this is where again I think we've focused on pretty practical, balanced, middle-of-the-road approach, trying to find this golden mean. No one's being forced to change here. And at the same time, there is provision for change and choice within the Saskatchewan construction sector.

So certainly being mindful of . . . They say those words, but we don't exist in a vacuum. We don't exist in a hermetically sealed environment. It's dynamic. And we think the spirit of the status quo, for those who want to stay with the status quo, remains intact. At the same time, there is greater choice in change. And so I would just simply say a key environmental factor's shifted and that helped to inform part of our due diligence.

[16:00]

**Mr. Yates:** — Thank you very much, Mr. Minister. As you're aware, there have been other pieces of legislation, other regulations that have been in place that have structured bargaining in the province of Saskatchewan. What impact do these changes have on those structural bargaining arrangements such as the Dorsey arrangements moving forward? Although they're not directly connected, it sets a precedent, recognizing that the ministry is using the issue of constitutionality of arrangements like this. So does this forewarn future changes, negative changes in the health sector as well?

**Hon. Mr. Norris:** — Well I think the frame around the term negative certainly is open to interpretation, and I think you've heard a variety of views from a variety of sources regarding that kind of descriptor.

But to the point, I think we can certainly look at Vince Ready's work regarding essential services. What you're asking is, did that work inform our movement towards essential services? Yes, because he came forward with a report that said,

essentially, Saskatchewan should have these in place. That was one of the pieces that we were mindful of as we developed essential service legislation.

The specific, you know, reference as far as due diligence . . . We undertook due diligence in this instance, informed by obviously the Supreme Court. Yes. If the question relates to due diligence on other acts pertaining to labour relations in the province of Saskatchewan, I don't rule out future changes to the Act, but they'll be based on due diligence and mindful of the constitutional/legal environment within which we all live. If there's something more specific, happy to take that question.

**Mr. Yates:** — Thank you very much. Mr. Minister, to put it into some context, the Dorsey regulations were brought in to create stability in an environment of instability, much like the CILRA was. Again, brought in through government action, through government legislation, in effect. And those bargaining units were designed through government direction with negotiations, a number of processes that ended in that, but still through government direction.

And the question is simply, if the government is saying that as a result of a potential constitutional challenge that this legislation needs to be changed, does other legislation including the Dorsey legislation need to be changed? Are we facing the same issue, and does that create instability in other areas of the province? Is that an unforeseen consequence on making this change?

**Hon. Mr. Norris:** — For that . . . Actually, that helps. I'll turn this to Mr. Carr in a moment. I think what's important here, if we focus on issues of constitutionality, I know you make specific reference to Dorsey and some of the implications regarding health care. I think there's a notion of reasonableness and the public good that helps to inform and provide some judgment here.

Now on the specifics, Mr. Carr, why don't you walk us through, again, some of the technical elements of what that spirit, what that grounding looks like.

**Mr. Carr:** — Thank you, Minister. In the case of the arrangements that you reference that arose out of the Dorsey Report, the view is that those arrangements are defensible with respect to any potential for a Charter challenge based on the fact that there is a reasonable limitation placed upon the freedom of association in order to meet a higher public good.

The view, in terms of *The Construction Industry Labour Relations Act*, was that in its current form, it would not meet such a test. And so on that basis, the amendments have been proposed.

**Hon. Mr. Norris:** — Great. Thank you, Mr. Carr.

**Mr. Yates:** — Thank you very much, Mr. Minister. I'd like to ask now, specifically then, under what grounds and what legal opinion you would have to support that one has a greater public interest than the other? And if you do have that, could you provide it to us?

**Hon. Mr. Norris:** — I've already commented to the committee

that we won't be sharing the legal opinion, and certainly what you've heard earlier today is that this very issue regarding *The Construction Industry Labour Relations Act* is proceeding down that legal track. And so I'll measure my comments very carefully on this issue, because it is proceeding.

**Mr. Yates:** — Thank you very much, Mr. Minister. You had stated earlier that you were prepared to look at amendments. You were prepared to listen to stakeholders and consultations. The reason I asked the question I did is that in 1968, 1967, the Government of Canada put forward what would at the time have been seen to be a monumental process to look at what was in the best interest of the country of Canada and the construction industry in general, and the need for stability within the construction industry, and recommended the system that is now being used in Saskatchewan.

So at that time, some of the leading experts in Canada, on behalf of the federal government, undertook a study and came to the conclusion that this was of public interest and in fact put forward a process to enforce a movement in this direction. So clearly if you look historically here, there is the federal government of our country saying that this was in the public interest and was appropriate. And so I just was questioning, you know, the legal opinions that would question that particular issue.

The committee hasn't had the opportunity yet — and I hope we will have the opportunity — to invite some experts in various fields before the committee to ask them questions. That's an issue we will be discussing. But in the absence of that, I was just looking for this specific opinion that would say that one is more important than the other, when clearly the federal government in 1967 thought this was one of the most pressing issues facing Canada.

**Hon. Mr. Norris:** — A lot has changed since the 1960s. I think in the 1960s, it's fair to say that . . . Goalies in the NHL [National Hockey League] didn't wear masks, and we've seen an innovation there. I think it's fair to say that, over the course of the last 20 to 25 years, we have seen significant changes in the Canadian polity, and I've just recently done a little bit of academic work on what that looks like. That will be published here soon. And it's been significant. It's been significant here, and the establishment of and growing significance of multi-craft unions demonstrates this type of evolution.

And so I think it's fair to say almost every aspect of Canadian society, celebrated perhaps most impressively and poignantly by, let's say, Expo, most of those have come under increased scrutiny. Peter Newman wrote a book called *The Canadian Revolution* with the subtitle of *From Deference to Defiance*. I think it demonstrates a cultural shift that has occurred over the last two to three decades at least, and I think what we're looking at here again, the goal, modernization — not throwing the baby out with the bath water, not telling people that they have to change, but giving people greater choice and more options.

The notion of one of the most restrictive construction labour relations regimes in the country is one that has come under increased legal scrutiny, constitutional scrutiny, societal scrutiny, and as a result state scrutiny. And so I don't think we're leading this one. I think this one is . . . Changes have

occurred in other jurisdictions. Changes have occurred in contemporary labour relations across the country, especially as it relates to the construction sector. And I think this is a sincere, fair, balanced, pragmatic, flexible approach to help foster a more robust construction sector.

So we come with an open mind, obviously, but the broader context of the question: there's been a lot that has changed in Canadian culture. And certainly this is no exception.

**Mr. Yates:** — Thank you very much, Mr. Minister. My next question has to do . . . We've heard submissions over the last several days about the periods of instability in the construction industry in Saskatchewan and what brought about those periods of instability. We've heard from the construction's labour relations, the unionized employers who are not supportive of this legislation. They made it very clear that they are not supportive of this legislation because they believe it will create that instability. We heard at presentations that there were strikes and instability in the Alberta market last year as a result of similar legislation to this.

But having listened to the presentations on both sides of this issue, I think that there is a simple solution that provides stability and meets the needs of all the parties. And that simple solution is that there be a provincial agreement that all unions operate under, and that all employers are part of the bargaining representative employer agency. But in Saskatchewan, so we don't have the strikes between unions, we don't have the strikes between employers, that everybody operate on a provincial agreement, are you prepared . . . And CEP said today that that would be their choice. Are you prepared to entertain that idea?

**Hon. Mr. Norris:** — Our approach has been to work through this to present this piece of legislation, and we have every confidence that the legislation as crafted captures the spirit that we've intended. And certainly we look forward to receiving the report of the committee, as we have said.

So you know, I'll let you and your members of the committee work through a variety . . . There may be a variety of any number of options or recommendations and suggestions or proposals, and I'll just let the due course of the committee's work come forward.

[16:15]

**Mr. Yates:** — Thank you very much. My question was, were you prepared to entertain that idea? And I'm not sure I got an answer. It's a simple yes-or-no question.

**Hon. Mr. Norris:** — Well you're trying to frame it as a simple yes or no. But this committee, the work that is under way doesn't just focus on one specific issue, as I've read *Hansard* and tuned in as I could over recent days. There have been a number of issues. And I look forward to receiving the committee's reports and recommendations, suggestions, and inquiries.

**Mr. Yates:** — Thank you very much. I guess the avoidance gives me my answer. My next question has to do with, is the ministry supportive of this committee hearing from outside experts on the issue of this particular Bill, bringing experts

before us over the next two months to ensure that we have a more in-depth, full understanding of this issue?

**Hon. Mr. Norris:** — You know, I wouldn't want to comment on the work of the committee. The members here have been diligent, have been working hard. And what I am committed to, what I have said in my opening comment and what I have said subsequently, is the work of the ministry is continuing on this. That is, we are working to ensure that for those that have presented before the committee, as well as those that may not have had that opportunity for any variety of reasons . . . We've certainly heard from some. They've just simply been so busy. I mean, this is construction season. And so we've said within the ministry, you know, we're accepting submissions, ideas, proposals. They don't have to be, you know, formally written. We have an email address; we'll get that email address out up until the end of August. What that looks like regarding the committee, I will leave that to the good work of the committee and the deliberations that all members engage in as they see fit.

But the invitation is there; I want to make it very publicly. The email is labourlegislationaeel@gov.sk.ca. And what we can do is maybe, Mr. Chair, we can make sure you have that if and as appropriate, and that way we can make sure that that is cast as widely as possible. And that certainly is available through the ministry.

So I can only comment on the ministry, and the ministry, certainly we've had this conversation. Ms. Isman has given me every reassurance that we will ensure that we receive and have due consideration for those ideas. As I say, I want to make sure everyone . . . [inaudible] . . . they don't have to be, you know, formally presented. This has been a very formal process. Ideas and opinions are certainly welcome, and we certainly, we've already received some of those, but we see that being as separate and distinct from the good work of this committee which is a committee of the legislature.

**Mr. Yates:** — Thank you very much, Mr. Minister. My next question has to do with, it isn't . . . I'm going to preface it before I ask the question. It's not normal, I guess, to put it bluntly, to have legislation brought forward prior to consulting virtually anybody. The normal process is to consult and then make the changes as people bring forward, as they make representation. As you understand the issue, as you talk with the various groups, you look at the . . . You have the opportunity to challenge your own view on a particular issue.

To bring forward the legislation first on something like this, where there are such diverse opinions and views . . . And I think for any of us on this committee, we learned a lot in the last two, three days of hearings, four days of hearings — a clarity of some issues, the diversity of opinion, and an understanding, a greater understanding of the construction industry.

So I guess the real test will be, whether this is true consultation, will be if there are amendments made as a result of this, or is it simply that a piece of legislation is brought forward and this was a process to rubber stamp, rubber stamp what's already been done. So my question for you is a very straightforward one: are you prepared to make amendments as a result of the presentations over the last few days?

**Hon. Mr. Norris:** — A couple of elements. I'll start with I think the most significant portion of the statement in question. The answer is, we have demonstrated that commitment I think in good faith with amendments that we have made to previous legislation we have brought forward. So the answer is, we come at it with an open mind and yes, there certainly is a willingness.

Regarding the categorization of the process as far as moving Bills forward, it seems to me in the years 2004 and '05 the previous government, which you were part of, brought forward Bills 86 and 87 — if I'm not mistaken, labour standards and trade union Act — in a fashion that wouldn't be that different from where we are today. So I just want to place that around that preamble. But I think the most significant for both you and I would be, yes, we approach this with an open mind.

**Mr. Yates:** — Thank you very much. As I move to my next question, I'd just like to indicate for the record, on both Bills 86 and 87 there were consultations both with the labour movement and business prior to the implementation of a Bill. Now to say that everybody was openly consulted, maybe not. But there were consultations. There were meetings held. I was part of some of those meetings, so there were meetings held. There may be some that wish they were involved that weren't. And I can only say that that's unfortunate, and hopefully we would be able to improve on that after 2011.

**Hon. Mr. Norris:** — Well after 2011 — a long, long time.

**Mr. Yates:** — But, Mr. Chair, my next question has to do . . . Mr. Minister, you made a comment a few minutes ago about meeting an individual who was not able to work in Saskatchewan, one of 1,000 people that wasn't able to work in Saskatchewan. I'd like to ask a couple of questions for the record, because what specifically prevented that individual from working in Saskatchewan? Because there was work here; there were companies hiring. So what specifically prevented that individual from working in the province of Saskatchewan that you were referring to?

**Hon. Mr. Norris:** — It was late winter, early spring, and as I recall he was out just shovelling his walk. We were out campaigning. I think it was a late Sunday afternoon if I recall and the discussion was around him having to leave later that night as I recall, and just about . . . It was the first time as far as hearing a personal story that it became clear to me. I don't know nor did I inquire about the name of the company that he worked for. He just simply said that the arrangement was such that the unionized company he was working for could not operate in Saskatchewan and as a result he was going back and forth. And so, family living in Saskatchewan, paying taxes in Saskatchewan, paying his bills in Saskatchewan, kids in school in Saskatchewan, and he was working out of Alberta.

Again it was a conversation that was rather informal. It was as you know . . . And I'm sure you've had plenty of those too as you're out knocking on doors. But it caught my attention and it's, you know, certainly it's one thing to read about it; it's another just to begin to fathom what Saskatchewan families still continue to go through.

**Mr. Yates:** — Thank you very much, Mr. Minister. I have had those types of conversations with individuals, but I then

generally try to find out why they have that and often it's a choice that an individual makes for one reason or another. And maybe they can make considerably more money in Alberta, or it's not that they can't work here, it's that they have actually made a choice because opportunity may be greater for them. Because at the time of the 2007 election the red-hot Alberta economy, and still today even with Saskatchewan with a red-hot economy, Alberta wages are probably in the construction industry at least 6 to \$7 an hour higher than here.

And I have friends who have chosen to go work at Fort McMurray, fly in and fly out, for those very reasons. But I guess the point I'm trying to make is it was a choice issue they made for whatever reason.

**Hon. Mr. Norris:** — If I may, just commenting on that, a couple of elements. He said he was voting for change, so I shook hands and moved on to the next door. And I think you've just helped to make the case. The fact that wages are still higher in Alberta, although Saskatchewan is moving quickly within the construction sector, helps to alleviate some of those fears about issues regarding wages. We see that this is a competitive sector and those wages continue to be buoyed within Alberta. Thankfully in Saskatchewan we rank number three right now as far as average weekly earnings, and delighted that that's the case. And we're doing everything we can to keep climbing our way up that ladder.

**Mr. Yates:** — Thank you very much, Mr. Minister. I'm going to ask you a question I've asked a number of the last presenters after it became clear that the complexity of this issue really deserved, I believe, a more thorough look so that we don't inadvertently create problems for ourselves that we don't intend to have. That we look at dealing with, bringing some experts in to ask questions that don't have a vested interest one way or another in . . . They're not stakeholders in the outcome, I guess is the best way to put it.

Would you have any particular experts or outside individuals that you would like this committee to talk to as part of its looking to talk to outside experts?

**Hon. Mr. Norris:** — Well it goes back to the distinction between the work of the ministry and the work of the committee. You know we invite through the ministry the feedback and opinions, ideas from anyone that would like to offer those opinions. And I think, you know, from the realm of responsibility that I have, that's certainly something that we're committed to, that we are serious about, and certainly welcome.

Again the issue of experts, I think the consultations, as I've read them and as I've been able to tune in — all of you have done considerably more work on this — I'm very impressed again with the level of engagement, the thoroughness of presentations, the professionalism that's been offered around this table from stakeholders from right across the spectrum on the Bill.

[16:30]

And so I leave the issue of experts . . . I'm not exactly sure what that looks like for the committee. I just simply defer to the committee, and if there's something more that the ministry can

do to help then, you know, I look forward to hearing from the committee Chair or others. But I'm not certain of the deliberations that are under way around the committee regarding a potential role of experts. I can just simply say we welcome opinions and views, ideas, within the ministry. And those consultations will continue until the end of August.

**Mr. Yates:** — Thank you very much, Mr. Minister. If the committee were to bring forward expert witnesses, would you like to attend those meetings as well?

**Hon. Mr. Norris:** — You know, I will simply defer to the will of the committee and to, most especially, you know, the committee Chair. My understanding — I don't have it in front of me — and my understanding is that there is an agreement in place. There were a number of hours that had been set in place for the committee; frankly I don't even know where we are on those hours. So I defer to the committee Chair and, obviously, the will of the committee.

**Mr. Yates:** — Thank you very much, Mr. Chair. That would conclude my questions for today.

**The Chair:** — Thank you, Mr. Yates. Mr. Elhard.

**Mr. Elhard:** — Thank you, Mr. Chair. And to the minister and his officials, I'd like to say thank you for your patient response to the questions today. I prefer, or I wish rather, to make a motion, but I have some comments that I would like to make leading up to the motion.

On March 11 of this year, the Opposition House Leader wrote the Government House Leader requesting that public hearings be held on Bill 80. And that very same day, the Government House Leader responded to Mr. Taylor's letter agreeing to public hearings with the following conditions: that five hours of adjourned debate happen during the spring sitting; that 10 hours of committee work intersessionally be divided equally among proponents and opponents of the legislation; an additional five hours for consideration by the Human Services Committee — for a total of 20 hours.

Now these conditions were agreed to by Mr. Taylor with the intention that after 20 hours of consideration, the Bill would be allowed to come to a vote in the fall sitting of the legislature. Now currently almost five hours, four hours and 58 minutes, had been accumulated in adjourned debates. An additional 13 hours have been accumulated in committee, not including today's proceedings. So we will clearly exceed the 20 hours agreed to for consideration of this Bill.

Now we have heard from proponents and opponents of the Bill, and we have a balance of testimony from the witnesses that have appeared before the committee. And I would like just to add this little comment. People have probably heard me say this before. I used to work for a rather elderly machinery salesman, who in all his years of experience said that when a sale is concluded, if both the purchaser and the seller go away a little bit angry, it was probably a pretty fair deal. And I think that that might describe what will have happened here, ultimately.

The minister has indicated that the ministry is receiving input on this Bill until the end of August. Anyone who is concerned

may send a letter voicing their concerns to the minister or the ministry. The *Hansard* transcripts are available for all to read. The proceeding have been webcast for everyone in the province to watch. And I'd also like to point out that the former members of the steering committee for Human Services, both Mr. Hart and Ms. Junor, agreed to the agenda of these hearings, the room in which the hearings were to be held, the dates, places, and times of the hearings, and the deadlines for both written submissions and oral presentations. All of these things were agreed to by both sides.

The members of the opposition are well aware of this, and the fact that once the dates, times, and meeting place were established, the Board of Internal Economy approved to have the cameras in the Chamber sent away for service prior to the fall sitting. Members of both sides of the House are on the Board of Internal Economy and were well aware of this decision as well as the limited seating in room 8.

The suggestion that government members tried to bar members of the public from witnessing the hearings is clearly preposterous. In fact, moving the hearings to the Chamber without the regular cameras available would have denied people throughout the province the ability to witness the proceedings by webcast, and would have privileged those who could attend in person.

The process that was originally agreed upon was both fair and balanced. As a government and as committee members, we have not only fulfilled our obligations as agreed upon, but have exceeded them.

Mr. Chair, I'd like to make the following motion. I move:

The Standing Committee on Human Services now conclude the public portion of our hearings and move in camera.

**The Chair:** — Mr. Elhard moves:

That the Standing Committee on Human Services now conclude the public portion of our hearing and move in camera.

Is the committee ready for the question?

**Some Hon. Members:** — Question.

**The Chair:** — Mr. Yates.

**Mr. Yates:** — Thank you very much, Mr. Chair. A number of points I'd like to make. I'd like to start by asking whether this ends the public portion today or in its entirety. That's not clear in the motion. If it's simply today to go in camera, that has different considerations than if it is in its entirety.

There's a number of things that the motion presupposes. One is that we would not hear anything during our hearings that we would like to get further information on, seek further clarification, request expert witnesses, which is well within the purview of any committee. It presupposes that we wouldn't hear things that we want to further investigate and get greater knowledge of. It does very clearly, to me, indicate that this

entire process was simply a facade for the government to pass a piece of legislation without having meaningful, meaningful discussion and understanding of what we want to achieve.

Also part of the original agreement, if you want to talk strictly about the original agreement, that there would be five hours with the minister. We have not had five hours with the minister.

And, Mr. Chair, to shut the committee down, to take away the ability of the members of the committee to talk to experts or to others is well within the authority of the government to use its majority to do so. They have that authority. But the message that sends to every member of the public is, you don't want to have a meaningful dialogue and discussion on this issue. You want to close down debate. You're not open-minded and willing to change.

And, Mr. Chair, what message does that send to the hundreds of people who came here over a week ago and weren't allowed into the Chamber? The nice statement made by the member opposite about the fact that we knew the cameras were gone, yes, we knew the cameras were gone. But we had 200 people who came here and some who travelled a great distance, and they wanted to hear and they wanted to see the debate. We knew fairly well we'd be making a choice, so we denied 200 for whatever number may have watched on web stream — may have watched on web stream.

It still would have been available in *Hansard* and for others who weren't here to read at a later date. But it was a choice made, and again the government used its majority to take away that democratic right from some people. It was a choice. It was made. This is another choice for the government to take away the right for us to hear from expert witnesses, to take away the right of members of this committee to ask further questions.

It's the government's right to use their majority to take away the rights of the minority, but in doing so, the people of this province need to know that you are trying to stifle debate, you're trying to stop further investigation of this Bill and, Mr. Chair, that's a travesty in itself.

**The Chair:** — Mr. Iwanchuk.

**Mr. Iwanchuk:** — I too am somewhat confused as to what is happening. We had discussions yesterday. We've got a new agenda here: 12:15 to 1, we made allowance for Communications, Energy and Paperworkers Union to come. That was a decision of the committee. I was aware of the agreement that was reached. My entering into those discussions was understanding that that in no way infringed upon the minister being questioned for five hours, which is five, ten, and five, as we had five.

That's the way I understood that this was to work. If I understand what the motion is saying now, is that we are done with the questioning of the minister, and, you know, no one . . . To have at this point in time this motion brought in, I feel that I have been sort of sideswiped here in terms of agreeing to some of these other things because nobody said, when we agreed to have the Communication, Energy and Paperworkers here, we did that in the spirit of wanting to allow everybody to come here, that their time is now counted and somehow, if it's now

being taken away from the minister, no one said that to me in my decision making, that this was absolute and this was now going to count against these hours.

So I feel somewhat, acknowledging all of the other comments that were made by my fellow colleague here, that also now that there was some sense of fair play, not being . . . in terms of the Chair also advising us that we all understand that this is coming out of that agreement because I think the committee, after that agreement is struck, took it upon itself to make some changes.

Now it's sort of like not being alerted to this. It's kind of a, you feel in a situation of estoppel that we were sort of led to believe that we were going, and in fact there's now . . . At 4 o'clock, we were to talk about expert witnesses. And as I watch the clock, I think for myself, I stopped at 3 because I felt we had another hour, but thinking also that there would be another two hours because we had three hours.

So we have made these changes in time without any, you know, being alerted to that if you're doing this, you are jeopardizing your other time. So I feel — let alone in terms of the other arguments about being open and the rest of it — I feel somewhat taken by surprise here. And I'm not sure where we're at, that if we go into committee, have we lost our ability, you know, what exactly we're discussing in there. Is it over?

So I'd like to know before this happens again, so that I can go back because there will people asking me, how did you give up the five hours to the minister? Because that was . . . I know Ms. Junor isn't here and Mr. Broten is not here, but I mean at that time there's strong arguments made to retain that five hours was important to us because there's other discussions made. But again I wasn't privy to those discussions, but at the end of the day, I felt we would get questioning, a certain amount of questioning with people coming here. There was discussions about whether we allow more people; there was another day added — the 23rd was added which allowed more time. And I didn't question those things. I just accepted that that portion had been extended and that we would have five hours with the minister.

So I'm not sure where we're at, because I guess, does it mean when I quit speaking here that in fact this motion goes forward and these hearings are shut down? I don't know quite frankly what to do, because if they're shut down when I quit speaking, I might just not do that because I'd like to know where we're at before we move to hear it, have some explanation of what this means — if that's possible, you know. And I don't know what the parliamentary procedure would be to do that, but I would sure appreciate that we'd have some explanation of where we're going.

**The Chair:** — Mr. Elhard.

**Mr. Elhard:** — Mr. Chair, before we enter into any more debate on this particular motion, could I ask for a recess?

[16:45]

**The Chair:** — We will take a five-minute recess, and we'll be back at 4:50.

[The committee recessed for a period of time.]

**The Chair:** — We will now go back into committee. Mr. Elhard.

**Mr. Elhard:** — Thank you, Mr. Chair. I take at face value some of the concerns raised by the members of the opposition. And I think there was some issues with the wording of the first motion that we intended to address but weren't actually contained in the motion. So I would ask that we just withdraw the motion, be allowed to withdraw the motion and supplement it later.

**The Chair:** — Is the withdrawal of the motion the wishes of the committee? All in favour?

**Some Hon. Members:** — Agreed.

**The Chair:** — With unanimous consent, we will withdraw that motion. Mr. Elhard.

**Mr. Elhard:** — Mr. Chair, I'd like to propose the following motion:

That the Standing Committee on Human Services now conclude today's hearings and move in camera. The Minister of AEEL is to return for two additional hours after the presentation of the committee's report.

**The Chair:** — Thank you, Mr. Elhard. Mr. Elhard has moved:

That the Standing Committee on Human Services now conclude today's hearings and move in camera. The Minister of AEEL is to return for two additional hours after the presentation of the committee's report.

I ask for the question. All in favour? Opposed? It's carried.

We will now move in camera.

**Hon. Mr. Norris:** — Mr. Chair, thank you very much for the opportunity, Mr. Chair, to participate in the proceedings today and I'd just like to reiterate thanks not only for our officials from the ministry but also those serving so diligently this committee. And I want to offer my special and sincere appreciation to those individuals as well. Thank you very much.

[17:00]

**The Chair:** — Thank you for your very kind words, Mr. Minister.

[The committee continued in camera.]

**The Chair:** — The Standing Committee on Human Services is now back in committee. Mr. LeClerc.

**Mr. LeClerc:** — Mr. Chair, I move:

That the Standing Committee on Human Services not call further witnesses on Bill 80, *The Construction Industry Labour Relations Amendment Act, 2009*.

**The Chair:** — Mr. LeClerc has moved:

That the Standing Committee on Human Services not call further witnesses on Bill 80, *The Construction Industry Labour Relations Amendment Act, 2009*.

Question. All in favour? Opposed? It's carried. Mr. LeClerc.

**Mr. LeClerc:** — I move that the Standing Committee on Human Services do now adjourn.

**The Chair:** — Mr. LeClerc has moved that the Standing Committee on Human Services do now adjourn. All those in favour? Carried. The Standing Committee on Human Services stands adjourned.

[The committee adjourned at 17:41.]