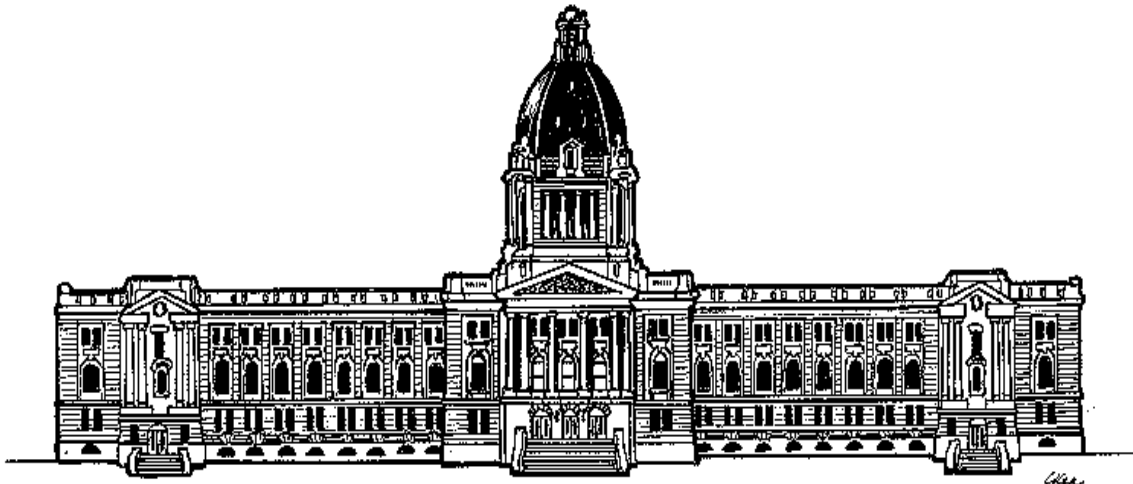




STANDING COMMITTEE ON HUMAN SERVICES

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STANDING COMMITTEE ON HUMAN SERVICES

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Regina Coronation Park

Ms. Doreen Eagles
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Moose Jaw Wakamow

Mr. Russ Marchuk
Regina Douglas Park

Mr. Paul Merriman
Saskatoon Sutherland

[The committee met at 15:30.]

The Chair: — Good afternoon. Welcome to the Standing Committee on Human Services. I'm Delbert Kirsch. I'm the Chair of this committee, and Mr. Cam Broten is Deputy Chair. Mark Docherty is part of the committee and as is Doreen Eagles, Greg Lawrence, Russ Marchuk, and Paul Merriman. We have no substitutions, but I understand Mr. Forbes is joining us.

Before we begin, I would like to table two documents: HUS 3/27, Minister of Advanced Education, Employment and Immigration response to questions raised on the April 25th, 2012 meeting of the committee dated May 7th, 2012; also HUS 4/27, Minister of Education response to questions raised at the April 19th, 2012 meeting of the committee dated May 8th, 2012.

We have a very busy agenda again today. This afternoon we will consider Bill No. 23, *The Occupational Health and Safety Amendment Act, 2011*. This evening we'll resume our consideration of the estimates for the Ministry of Advanced Education, Employment and Immigration, following by consideration of Bill No. 42, *The Graduate Retention Program Amendment Act, 2012*.

Bill No. 23 — *The Occupational Health and Safety Amendment Act, 2011*

Clause 1

The Chair: — We will now consider Bill No. 23, *The Occupational Health and Safety Amendment Act, 2011*. By practice the committee normally holds a general debate on clause 1, short title. Mr. Minister, do you have any opening remarks?

Hon. Mr. Morgan: — Yes, thank you, Mr. Chair. I'm pleased to discuss Bill 23, *The Occupational Health and Safety Amendment Act, 2011*. I would like to introduce the officials that are with me today. Mike Carr, deputy minister of Labour Relations and Workplace Safety; Glennis Bihun to my right, executive director, occupational health and safety division. Immediately behind me, Pat Parenteau, director of policy; and to her right is Joel Bender, manager, legal and technical analysis, OH & S [occupational health and safety] division.

Since 2002 Saskatchewan has reduced its workplace injury rate by more than 38 per cent. However our injury rates are still at unacceptable levels, being the second highest in the country. The amendments contained in Bill 23 will give Saskatchewan employers and employees more tools to help eliminate injuries, illnesses, and fatalities. I would like to thank all of the businesses and labour stakeholders who participated in the consultations on amending *The Occupational Health and Safety Act, 1993*. I especially want to thank the Occupational Health and Safety Council for its important and tireless work on both the review of the legislation and its administration.

Each year almost 40,000 injuries are reported to the Workers' Compensation Board. Workplace injuries can impose a profound emotional and financial toll on victims and their

families and friends, on their communities and the places they work. We must do more to reach everyone's goal of Mission: Zero — no workplace injuries, no workplace deaths.

It is with that in mind that I would like to highlight the amendments to *The Occupational Health and Safety Act*. This legislation will increase the duties of employers, supervisors, contractors, and suppliers as they relate to occupational health and safety. It will create a duty for the prescribed owners to designate a prime contractor and for that prime contractor to coordinate site safety at work sites where there are multiple employers or self-employed persons. In other words, every owner must take care to ensure that those they hire are competent and take action when non-compliance with *The Occupational Health and Safety Act* comes to the owner's attention.

This legislation will establish procedures related to the creation and greater effectiveness of occupational health committees and health and safety programs. The amendments further require employers and other parties to provide training and supervision of employees as well as maintenance of equipment to ensure the safety of all workers.

On the enforcement side, the legislation will increase the investigative authority for occupational health officers in the course of their duties. In addition, the amendments call for an increase in the maximum fines and range of penalties for occupational health and safety violations. These changes will serve as a significant deterrent to ensure that people will follow the Act, and are consistent with the best practices from other jurisdictions.

These amendments support the Government of Saskatchewan and its partners' efforts to improve safety practices and standards in all sectors to reduce workplace injuries and increase workplace productivity. They also reinforce Saskatchewan's perspective that it is the responsibility and effort of workplaces, not government, that is the key to prevention of occupational injury and illnesses.

Mr. Chair, with these opening remarks, I welcome questions regarding Bill 23, *The Occupational Health and Safety Amendment Act, 2011*.

The Chair: — Thank you, Mr. Minister. And I understand Mr. Forbes will be asking some questions. You have the floor.

Mr. Forbes: — I do. Thank you very much. And I appreciate the opportunity to ask some questions about Bill 23. And this is the Bill that is the result of the Occupational Health and Safety Council and largely done by consensus, I understand. Can you give a bit of background about how we arrived at Bill 23?

Mr. Carr: — Certainly. The Bill was the product of a series of consultations that commenced in 2005, continued in 2011. There was an additional consultation in 2007. The work that those various reviews and consultative efforts brought forward was assembled and produced as Bill 23. In addition there have been some introduction of some additional issues that have emerged since the 2007 review, and those were dealt with, as I mentioned earlier, in the consultation process that took place in

2011.

Mr. Forbes: — Okay, so not all of these items before us. Generally the council operates on . . . They attempt to get consensus as much as possible, but when a Bill comes forward like this, obviously it's vetted by cabinet and there's many steps. So along the way, that consensus, while trying to keep it there, may have been lost. Or are all the items here agreed upon by the council?

Ms. Bihun: — So of the items that were brought forward in council's 2006 report and consulted on in 2007, there were 18 recommendations. Of those recommendations, 16 are proceeding although some have modifications. Of the 14 proposals on emerging issues that were consulted on in 2011 — all of which council reviewed submissions from stakeholders — 11 of those proposals are moving forward, and there's modifications to five of those.

Mr. Forbes: — Good. Thank you. And just to clarify. I understand that we have a proposed amendment before us just as a housekeeping item right away. I understand it's basically is housekeeping. It's a typo type of correction. Is that right? Can you give us a little background before we get too far into this?

Hon. Mr. Morgan: — Yes. My officials have indicated that they used some wrong wording to define subsection or subclause, so it just changes so it reflects the proper clause. And so it's technical only and correcting a typographical error.

Mr. Forbes: — What page is that on? I was trying to find it, and I couldn't find it earlier. And I appreciate the minister, appreciate the minister sharing this earlier, and I couldn't find it. So not that I'm looking for typos, but then you do get looking for it.

Hon. Mr. Morgan: — Actually it's an amendment in clause 3.

Mr. Forbes: — Clause 3. What page would that be? Is that page 1?

Ms. Bihun: — I find it, I find it on page 2 of the Bill.

Mr. Forbes: — Okay. And is it towards the top?

Ms. Bihun: — It's about the middle of the page where it says, for the purpose of . . . Under 2.1, "For the purposes of subclause (2)(d)(ii) . . ."

Mr. Forbes: — Oh, point (2)(d). That's what it's correcting.

Ms. Bihun: — The typo is to change it to (1)(d)(ii).

Mr. Forbes: — (1)(d). Okay. Good. Thank you very much.

Hon. Mr. Morgan: — My officials are incredibly apologetic, but we've chosen not to take disciplinary action against . . . [inaudible].

Mr. Forbes: — There you go. No notice of contravention or compliance orders?

Hon. Mr. Morgan: — We have with all of the Bills that we're

moving forward this session, we've tried to urge the officials to use as much diligence as we can. But we also recognize that there's a possibility that a mistake will come in, and we've told them we would rather deal with it by way of a House amendment than try and do a regulatory change or a legislative amendment later on. I think this is probably about the third one that we have and I suspect we'll probably have more. So when we have them, we will send them over to the opposition so you can have a chance to look at them.

Mr. Forbes: — I appreciate that. And I understand that this stuff can get very complex and trying to keep track of the numbers is quite a job.

Now along with this, will there be a set of regulations that will be going forward or have gone forward as a companion piece or stemming out of this, new regulations that we can expect to see?

Ms. Bihun: — Yes. Further to the work that the council did with their 2006 report, there remains about 200 or so regulatory matters yet to move forward. We'll build on the work that was included in council's 2006 report and to the consultations done in 2007, bring that forward to include some matters on emerging issues that have arisen since that period of time.

Mr. Forbes: — Now of course that doesn't come forward through this kind of process, but we'll end up seeing it sometime in the new year, next year, the following year. What's the timeline for those regulations?

Mr. Carr: — It's the intention of the ministry to do the development work on those regulations and to bring them forward over the next number of months. And we're thinking that it's probably going to take about 18 months to complete that work.

Mr. Forbes: — Good. Thank you. And now as a result of this piece of legislation, are there increased costs to the ministry?

Ms. Bihun: — So the cost analysis that was completed was specific to the regulations. With regards to the cost to the ministry and its administration of the legislation, those costs will be contained and within our existing resources.

Mr. Forbes: — And then obviously to employers there may be costs. But are there significant costs in the pieces that are going forward today?

Mr. Carr: — I think it's fair to say that in terms of the administration within workplaces, there will be some additional responsibilities that will be assumed. But our view of that is that it's not a significant additional cost to the operation of the business. It's certainly the case that where there's a violation of the legislation, we would anticipate that the courts would apply the new fine system and that as a result of violation, you might see increased fines being paid.

Mr. Forbes: — How much just generally have the fines from *The Occupational Health and Safety Act* gone up over the last five, ten years? I assume they go into the General Revenue Fund.

Mr. Carr: — The prosecutions that we've been engaged in have generated some significant revenue to the GRF [General Revenue Fund], but the fines themselves have been in the context of the existing legislation, and so they've been at that standard level. There's certainly . . . I think Glennis, you've got some specifics. Why don't you share?

Ms. Bihun: — In the fiscal year 2007-08, the total penalties arising out of OH & S prosecutions were \$65,540. The end of the last fiscal year, 2011-12, the total penalties were \$262,460.

Mr. Forbes: — That is significant. And then we're going to get to see . . . well hopefully not an increase. Hopefully these will be followed. That's the goal, I think.

Hon. Mr. Morgan: — The goal is and always has been to have a greater level of compliance. So if you had full compliance and you didn't fine anyone, that would be the best set of circumstances. But we, as I'd indicated last night, we know that as the fines go up, the level of compliance goes up. So we anticipate that we have the . . . Fines go into the GRF rather than into the ministry, and the reason for that is that if the compliance goes up, and we don't want the ministry to be dependent on fine revenue. We think, we want to make sure that their work isn't done merely to generate revenue. Their work should be done to ensure compliance and ensure safety.

[15:45]

Mr. Forbes: — Absolutely. Well I'll also start with some more specific questions. And I do have several, so it may take the remainder of the afternoon. But I think I'll just go page by page, not line by line but page by page. But if there's anything that you feel that is worthy, please point it out. But I guess at the first page, you've talked about some new definitions: biological substances; business day is new, it looks like; incompetent. What is specific about those or what caused those to be changed?

Ms. Bihun: — The change to the biological substance definition was a recommendation that arose out of the OH & S Council's report in 2006 and is brought forward following those consultations in 2007. The definition of business day has been added to clarify when a notice is deemed to have been received.

Mr. Forbes: — So it has to be on a business day? Or tell me more about that.

Ms. Bihun: — So a business day meaning days other than the weekend. And when we talk about the service delivery for appeals and the notice period related to appeals, that change has resulted in being described as 15 business days which was previously stated as 21 days before. So this has put clarity around that period of time.

Hon. Mr. Morgan: — We've actually been trying to do, all the way across all of the legislative changes as they come forward, is trying to standardize how you count days or the periods that you'd have for notices. So anywhere where there's a business, we're trying to use business days rather than . . . Because if something happens across Christmas or whatever, you don't know what's happening, and we don't want the time to end on a weekend. We'd rather, if we say business days, then we know

that their last day will fall on a working day.

Mr. Forbes: — But it's a 24-hour period. It's not a business hours type of concept, 8 to 5.

Hon. Mr. Morgan: — Correct.

Mr. Forbes: — So it's 24 hours. Okay. Then on page 2, it talks about under (i) — that would be 3(1)(i) — the definition of worker has been changed fairly significant. I know that now we have . . . We don't count correctional inmates. If I'm comparing apples here on the old Act, the new one, it seems that that's been quite changed. Is that right?

Ms. Bihun: — It's correct that inmates when they are undertaking activities within the correctional facility are not counted, included in the definition of worker. And that's bringing forward a clarification of past practice.

Mr. Forbes: — Now if they're off-site, they're doing work in a community, then they would be considered a worker then?

Ms. Bihun: — So those prescribed persons will be a piece that will follow in the regulations. And it's intended to allow the flexibility by having the prescribed persons come forward in the regulations as a way to give consideration for those who might be undertaking work, like inmates outside of the facility, to be considered a worker.

Mr. Forbes: — I'm not sure if I understood that.

Ms. Bihun: — Shorter? Okay.

Mr. Forbes: — Yes.

Ms. Bihun: — Right. So the next . . . So the short answer is, most likely, following through on the requirement in the section that it is prescribed persons, right, or categories of persons that would be included in the definition. So with the prescribed persons, that implies prescribed in the regulations. So that will be a piece that will come forward in the work that we do and the regulatory review.

Mr. Forbes: — Okay, that's good to know.

Ms. Bihun: — Okay.

Mr. Forbes: — All right. And then the new sections under the general . . . This seems to be where we get into a lot of new work, is the new general duties of employers and supervisors and the prime contractors. Is there a general theme running through that in terms of the attention to this?

Hon. Mr. Morgan: — In a general sense the concern that was trying to be addressed, and I'll certainly let the officials be more specific than I am, is that there was job sites or construction sites where there was no one really responsible for the entire site. You'd have a contractor working on this part, or another contractor working, and there was no overall, you know, overarching individual or entity that was responsible. So somebody walks from one side of the job site to the other, somebody else is in charge, whatever.

So the goal on these sections was to identify who an owner or a prime contractor was and then task that person as being . . . [inaudible] . . . Some people would argue that it's unfair that you've tasked that onto an owner, but the purpose of it is to ensure that somebody assumes responsibility to make sure that things that are brought on or the supervision or the fencing around a construction site, that those things are there. I don't know how much . . .

Mr. Carr: — I think to add to that, the approach that was taken was really to reflect the best practices with respect to accountabilities in the safety system. And so it is designed to bring greater clarity to what the obligations are of the employer, the contractor, the supervisor. And it really does add to the benefit of the safety program and any enforcement of our regulations when we have clarity around who owns what within the workplace. So that's what this is in aid of.

Mr. Forbes: — Yes. And I noticed that there's four extra subclauses essentially — yes four — it must be (e), (f), (g), (h); (i) is essentially the same in both. But (f) talks about an employer's workers being trained in all matters, and I don't know if that's in the old Act. Is it?

Ms. Bihun: — That piece is building on a recommendation from the council in 2006. And while employers have duties to train and supervise workers throughout the regulations on various components, this does clarify while repeating those general duties to, and make it clear to train and supervise workers. So it's a clarification as opposed to additional.

Mr. Forbes: — Okay, because it would be in other parts of the Act. Is that why you're saying it's a clarification?

Ms. Bihun: — Throughout the regulations specific to different workplaces, work duties, work practices.

Mr. Forbes: — And I see that there's a new category of general duties of supervisors. Is that new?

Ms. Bihun: — Moving the general duties of supervisors to the Act is new. Previously, the requirements for supervisors were contained in the regulations. This was a recommendation from the council in 2006 to be consistent with the general duties being included in the legislation.

Mr. Forbes: — Well that's good to know. Okay. And then I think the minister, this is maybe a big part of what Mr. Minister was referring to the general duties of prime contractors at certain multiple . . . That's quite an extensive piece. Was that also in the regulations or where did that come from?

Ms. Bihun: — That is a new section to provide clarity for who is responsible to coordinate safety on those multi-employer work sites.

Mr. Forbes: — Very good. Good. I'm wondering now on page six. I want to discuss the new section 14. The "Duty re policy statement on violence and prevention plan." And that was, I think, in the old Act. What are the significant parts of this, or the changes that we can see from the old to the new?

Ms. Bihun: — This was based on a recommendation from the

council as well. And it is intended to remove any doubt by putting the policy in writing and also making it clear that in addition to the policy, you must have a plan for prevention.

Mr. Forbes: — Right, because in the old one, it just talked about a policy statement.

Ms. Bihun: — Correct.

Mr. Forbes: — And then the plan required by subsection (1) must include any prescribed provisions, so that'll come through in regulations what the plan will look like, what it must . . . the criteria of that plan. Okay. This is something I'm very interested in. I think this talks a lot about the issue that's near and dear to my heart, Jimmy's law, and what we could be doing there, what we can look forward to.

Section 15, is this . . . Well the new 12, section 15, page 7. This is a new piece as well, is it not?

Mr. Carr: — If you look at section 15(1) rather than 15.1, 15(1) simply brought clarification to ensure that there was an ability for, where workplaces are represented by a trade union, reference could be made to the bylaws of that trade union to allow those bylaws to appoint members of the occupational health and safety committee. And so it just stipulates what, in terms of the real world, is in practice and so it recognizes that practice that is in place in many workplaces. 15.1 is brand new, and it does follow up on the recommendations by council. And the new section gives the director the authority to issue a written order requiring an employer or a contractor to establish one or more occupational health and safety committees at where the place of employment would be better served by the creation of that committee or committees.

Mr. Forbes: — Now this is one that we did get some feedback that there may be some issues within some of the unions about this. And I don't see a reference to establishing any kind of prescribed provisions through regulations. Is there a connection with this 15(1) and regulations? Will there be more details in regulations on this?

What I'm getting at is how will you decide, how will the minister . . . Or the director may decide to order additional occupational health committees and the, you know, the composition, practice, and procedures of that committee. So there's no regulations to support this or no ability to make regulations to support this?

Ms. Bihun: — All the regulations that are in place for occupational health committees will apply to the committees that I as director may require to be established based on the criteria set out in 15.1. So there isn't a need to duplicate those regulations because the same requirements for quorum and meetings will exist that are in the regulations.

Mr. Forbes: — But I'm wondering about is that, will you feel the need to say that maybe every 200 employees need their own occupational health committee?

Ms. Bihun: — This section is . . .

Mr. Forbes: — I guess what I'm getting at is there's some . . .

What will guide you in deciding that there needs to be a new occupational health committee? Usually it's done site by site or employer by employer.

[16:00]

Ms. Bihun: — So correct, it's done by place of employment currently. This provides an additional ability, bearing in mind all existing requirements in the regulations, for me as director to identify where there are perhaps a high number of injuries where typically a single committee might exist, to order the establishment of a second committee. Maybe there's a large, rather complex place of employment that currently would only require a single committee. This would give the ability to order a second committee.

For example, in the mining industry where we have surface and we have underground activities, many times those issues and the nature of the concerns are different. While it is true to say that committees for surface activities as well as underground activities generally exist today, should they not, this gives me the ability to be able to direct them to establish an extra committee which is something that doesn't currently exist.

Mr. Forbes: — When we were doing our . . . As you would expect, we wrote letters to people, stakeholders, to find out what they thought. And this one was probably . . . There were a couple of issues, only two in this Bill that created some excitement, but this was one of them. And so this was from SEIU-West [Service Employees International Union] and I think what I'll do is quote this:

Clause 13 sets out a new section (15.1) and this was not identified as a proposal in the Stakeholder package. SEIU-West objects to the creation of additional Occupational Health (OH) Committees; this is duplicitous . . .

I'm not going to be able to say that word. My tongue is tied. Duplicitous. There you go, yes.

. . . and it creates a whole host of issues: OH Committees have limited resources, and will this change be a drain on them? Will new committees acquire the same training? For example, would this training be provided to all workers sitting on committees at the department, facility and regional level? In large Employers like Royal University Hospital, there are well over 20 departments. Saskatoon Health Region has numerous facilities that currently all require a work site committee.

If a Regional committee is struck, which committee would take precedence? Would the Regional or department committee be able to usurp the role of the work site committee? What if two (or more) OH Committees come up with recommendations for a workplace that are at cross-purposes? Who would actually investigate accidents and incidents? Who would be responsible for conducting workplace inspections? Would it be the larger Committee or the new Committee? This would be very confusing for workers where an employer establishes multiple Committees.

This is especially divisive in a workplace like the health care sector and . . . [they, SEIU-West] do not support this change. The Health Regions have been attempting to create these mini or department Committees for many years.

And they are worried "that this would increase the suppression of incident reports as workers would be faced with an analysis of all reported incidents within their respective peer group," and it leads to several issues.

Are you aware of these concerns?

Hon. Mr. Morgan: — Mr. Chair, before we answer, can we take a real short break?

The Chair: — We certainly can, yes. We call a five-minute recess.

Hon. Mr. Morgan: — Thank you. There is a young girl has gone missing from the building this afternoon and they're asking for help to look for her right now. So they've got a note here. She's 16 years old, has Asperger syndrome, so they're looking for people to go to the front of the building. So I'm wondering if we leave whoever we need in here to maintain quorum and operate and whoever else could go.

Mr. Broten: — We're of course agreeable to whatever. We're also agreeable to recessing the committee for 10, 20 minutes. We can make this up any time so let's recess and we can work through the supper hour or whatever to get this done.

The Chair: — All in favour?

Some Hon. Members: — Agreed.

The Chair: — Yes. Let's go.

[The committee recessed from 16:04 until 16:52.]

The Chair: — Welcome back, everyone.

Hon. Mr. Morgan: — Before you start, thanks to everyone that took time out of here. I know we weren't the team that found her, but we made the effort. And thanks, everyone.

The Chair: — It was good, and the girl was found, so everybody's happy. We'll make a motion that we're allowed to remove our suit coats, if everyone's in favour of that because we've been out. All in favour? So be it. And let us continue because it was a long walk in the heat, and we shall continue. Mr. Forbes had the floor, so if you would like to continue with your questioning.

Mr. Forbes: — I had just finished a question, reading a section from SEIU-West, their concerns about the new section 15.1 in clause 13. They had concerns about the ability to create new OH [occupational health] committees.

Mr. Carr: — Perhaps if I can speak to it from a general perspective and then allow Glennis to provide the view of the executive director.

When you think about the safety system in Saskatchewan, it's really foundational and based on the work of occupational health and safety committees. And where you have a complex, diverse work setting, and you have a single committee that perhaps while well-intentioned is not really able to focus on the issues that are driving the injury rate, this ability will provide the executive director with an opportunity to assist that workplace by providing an additional set of people both representing workers and the employer on the issues at hand inside that workplace. I think that why it is of benefit is not that it's going to deprive a committee from its effectiveness, and certainly the details within that workplace about what responsibility a particular committee will have will need to be worked out in that workplace.

It's certainly the expectation, from the perspective of a safety professional, that this is a good idea, that it's a sound way of bringing the workplace partners together to help focus on their injury rate. And you know, certainly when you look at some of the public sector employers where there are large, diverse workplaces, the ability of the OHC [occupational health committee] to be effective and to be focused on the issues that are impacting safety in that workplace is sometimes limited. And so sometimes, if there were the ability for the executive director to exercise some discretion there and to provide clear direction to that workplace around what to focus on and how to bring more people to bear on the issues, we certainly see that as advantageous.

I think that one of the things that I would share with you, based on my 30-odd years of experience in the discipline, is that safety really isn't about sides inside the workplace. Safety is really something that everyone has to own and be responsible for. And this is again another way of providing some support and assistance to workplaces where they have a continuing high injury rate, where they have an inability to focus the resources appropriately on that issue and resolve it, where the executive director and her team can bring some additional focus. And that's really what this provision is aimed at.

The other thing that I would share with you candidly is it's a recommendation that came from the Occupational Health And Safety Council in particular, trying to address how is it that certain large, diverse workplaces continue to have very challenging workplace safety issues? And so that's really the driver from my perspective.

Ms. Bihun: — Mr. Forbes, you left me with a question about whether or not we were aware . . .

Mr. Forbes: — Yes.

Ms. Bihun: — . . . of those comments. And while I don't have the complete piece with me, I have summaries from the 2007 consultations when this particular section was looked at. And there is not input from SEIU through that process. And I have scanned the 2011 submission as well looking for those comments, so I'm not specifically aware of those.

I would add that, further to the consensus recommendation that council made, one of the things that the ministry recognized was the need to put some kind of criteria around where the director might use that authority and specifically look perhaps

at requests from the workplace themselves, including workers in those workplaces where there was challenges to resolve health and safety concerns, looking at the injury records, taking a look at those non-compliance matters. So there certainly are some guidelines.

Any committee required to be established under the OH & S legislation — and I'm trying to pick up on some of your comments from before the break — a legislative committee can never be usurped from other kinds of committees that are established in the workplace, be they regional committees that aren't established pursuant to the specific legislative requirements. And I think I heard that as a concern raised as well, and that cannot happen.

Mr. Forbes: — I just have some other things that, not super-serious meetings but . . . Now because of these concerns, and I hear what you're saying about this, and in many ways it makes sense, but there are concerns that have been raised. Or maybe you already have this in place, a policy in terms of how you may make this decision to order a new occupational health committee or create a regional one so that people have a sense of what might be driving this before it happens.

Ms. Bihun: — Those policies don't yet exist, but that's exactly correct. That's where we can provide that transparency for the specifics of that criteria.

Mr. Forbes: — Right. I think that would be very helpful in meeting their concerns because then it would address that in terms of precedents and that kind of issues. And of course with the health care sector, because it is one of the areas that has a high injury rate and the lifting issues, so they do have a lot of concerns about this. And they value their occupational health committees, which is a good sign that they feel strongly attached to them and that they have purposes. And so if you could do that with the group.

And it is interesting. I appreciate the deputy minister sharing that it did actually come out from the council. Sometimes when these recommendations are made so far back, you can't really know where their roots actually stem from. And so that was very good. So that was that. And so I don't want to dwell on that too much, but that was an issue that was raised.

So moving on then. And this is the second other issue is the compliance undertaking and notices of contravention. So there is some new parts to this, and if there's some general comments you want to make before I get into some of the discussions about this. What drove this or why?

[17:00]

Hon. Mr. Morgan: — Yes. I guess we're more than willing to have an informal discussion on anything. I was sort of focused on we would answer specific questions, but if you'd like, I'll ask on the compliance . . . [inaudible] . . . Mr. Carr is in a good position to make some general comments.

You know, there's a bit of a different approach that we've tried to take on here that is more focused on obtaining compliance than being of a punitive nature so that the steps are, maybe a better term might be somewhat less confrontational and more

collaborative at the initial stage. And then if the compliance isn't forthcoming, then it goes into more, you know, notice of contravention and where you sort of ramp up the process beyond that. And the expectation or the hope is that there's better initial co-operation with the workers and the OH & S staff and that it escalates from there, and that rather than be seen as something negative or punitive as they come on site, that they would be seen as somebody that would be there to work with and provide information and support. But I'll certainly ask Mr. Carr to . . .

Mr. Carr: — This is something that, while it's new in the statute, the occupational health and safety division had as one of its tools a compliance undertaking which was the ability to engage the workplace partners in a discussion about a particular issue and receive from the employer an assurance that they would move to compliance in a planned and orchestrated fashion.

When we looked at the idea that we were going to significantly enhance the fines and the authorities in the Act to pursue prosecution, we thought that we might want to formalize this tool that we had been using inside the division and make it clear to the safety community and the workplace partners at large that we're going to encourage compliance. And so we were going to present to them a view of a particular circumstance in that workplace. We were going to — on the basis of our assessment, our inspection, and our analysis of that situation — provide them with some clear direction, and we were going to allow them to adopt an agreement. And so they would develop a compliance undertaking which would have a specific time frame and a specific set of undertakings to be achieved within that time frame. And the recognition would be that if that undertaking was not complied with, we would move to contravention and prosecution.

Often, you know, when our officers are entering workplaces and the only tool that we have available is a notice of contravention, the ability to engage in a direct dialogue about best practice and about enhancing performance in that workplace is impacted negatively. And so if the overall objective of the ministry, the department, the division is to ensure compliance, we thought that this was a significant enhancement of the tools and it would allow officers to in fact obtain compliance.

You will have recalled in your days as the minister responsible that there was always a great discussion about voluntary compliance as an approach to safety management. In this case we're simply now putting into the statute a tool that will facilitate that dialogue but will not in any way sacrifice accountability because the tool consists of an undertaking with a specific time frame to comply.

Mr. Forbes: — And if I remember my reading, that the compliance also contains a description of the action but also does talk about the reasons why, which sort of gets back to what the auditor was talking about in that recommendation last night.

Hon. Mr. Morgan: — You're right. Glennis has a comment on that. The problem with, you know, sort of the previous . . . This is more where you start with the notice of contravention. There's an implication in that it's inferred that there was a

definite breach or that a person might be charged. Well it's certainly a possibility. But by starting with that tone, you lost the ability to work in a constructive and instructive method to doing it.

So by having the written undertakings and sort of the process that you were getting the employer and the employee to work towards best practices rather than saying, do this or you're going to be charged, now if they weren't working towards it, you certainly would do it. And I think that goes to the recommendation from the auditor. But I think Glennis has got, you know, something, comments about the progress report. I'll let Glennis make them.

Ms. Bihun: — So at the same time that we were working on finalizing the feedback through the consultation process and on the amendments here, we were in discussions with the Provincial Auditor about their preliminary findings and what their recommendations might look like. So we were aware at that time that one of the areas, although their recommendations weren't formed yet, we were aware at that time that one of the areas we might need to look at would be our consistency.

So there's a key change that goes along with the introduction of this tool, and that's the shift from where the legislation quietly says, may issue a notice of contravention. Bill 23 proposes that an officer shall issue either a compliance undertaking or a notice of contravention — so the shift from may to shall meaning that whenever there's a violation, we will be required to receive a progress report to better enable us to consistently follow up on those non-compliance matters that are identified in workplaces.

Mr. Forbes: — Okay. This was when we asked for feedback, and we actually did get two letters about this. SEIU-West had raised concerns. And I think this is very helpful. I appreciate the shall to may or may to shall is a big step, and I think that's, when we have this kind of dialogue it helps a lot.

But it does talk about the new section, compliance undertakings and notices of contravention, that SEIU-West has significant concerns about the implications of this change, that a notice of contravention should not be interpreted as a compliance order when it's indeed an offence of the Act or the regs. It must remain legally defined as a violation for which a penalty or remedy shall ensue and may entail prosecution. Their concern is to suggest the change would weaken enforcement, could weaken enforcement and protection for workers.

So I think that . . . I don't know if you have a . . . And this is what SUN [Saskatchewan Union of Nurses] had about it as well, that the advantage of, and I quote from the letter: "The advantage of a compliance undertaking versus a contravention is not apparent to us, but we will watch closely to see what difference such an addition to the Act might make in improving the employer's compliance to the legislation, ensuring the health and safety of all the workers."

So what you're communicating to me makes good sense, I would say, because you're trying to engage them right off the beginning. The question is to make sure that you're out there as much as possible, that the officers are out there to do the inspections.

Hon. Mr. Morgan: — One of the . . . You know, a compliance undertaking, it may sound like a small difference, but a compliance undertaking directs somebody to do something and it doesn't necessarily infer that there is a breach.

If you use a notice of contravention, if you use those particular words, the inference from some people would be that there was a breach that they had committed and they wanted their day in court. So then you are obliged to try to either follow through and charge them or else back away from having the notice of contravention. The officer would have to make a . . . you know, if the person refused. But by using the term compliance order, you're not necessarily saying that they're not in compliance. You're saying that they're expected to do this either by best practices or whatever else. So you have a tool that you've given the officer that does not necessarily mean a finding of guilt or a breach of the Act.

So you know, if the person doesn't, you've got a progression that the officer can go through and ultimately lead to a charge being laid if, you know, if there isn't the follow-through. So that was the logic. And by making it mandatory rather than permissive, you start the process with the compliance order, you move to notice of contravention, and you move through if there hasn't been the required follow-through from . . .

Mr. Forbes: — If there is situation though where there is an extreme violation of the Act, you don't always start at the compliance undertaking. You can move quickly up the . . .

Hon. Mr. Morgan: — You would not . . . If your question is, do you need to go through all the steps, you certainly wouldn't. As a matter of fact, for that matter you wouldn't need to even go to a notice of contravention. You could go and just say, we're going to charge you. The tools are there. The progression is sort of, you know, we'll move up gradually to try and nudge people along if that's appropriate. But if it's a particularly egregious violation right from the outset, the exhortation would be that the OH & S workers would have the option to say yes, you know, somebody was badly hurt. You weren't doing this. You should have known better, and you know, it doesn't matter whether we were ever here before, whatever, you're being charged.

Mr. Forbes: — So the idea of the compliance undertaking though really, and notices of contravention though really, I think, do they speak more to establishing the cause, the reasons why? Because when you're talking to the employer, you really have to say, this is why we're talking to you, you know. You don't have the harnesses on for your guys on the roof and you know . . .

Mr. Carr: — That's exactly right. It's really about trying to create the environment where there's ownership and accountability for safety. And in this situation, the officer will have the tools available to him or her to make a determination as to what the appropriate response is to the fact situation they have identified.

The approach that the division and the ministry have taken with respect to accountability and prosecution I think is quite informative in that if you look at where we've gone to ensure that we are backing up our resources in the field, to ensure that

people understand that we are going to require compliance — comes to mind very clearly in the construction industry and fall protection — and I think that we've made some significant gains there as a result of the diligence of our officers in interacting with those employers and that workforce to make it clear that there simply isn't going to be an exception to compliance.

Mr. Forbes: — One of the other concerns, but I don't see it mentioned here, but I should just ask is, does the legislation we're looking at right now, does it allow for summary offences or summary tickets? How will that be . . . I know that's been a concern with a lot of the workers.

Mr. Carr: — We in fact are, in conjunction with the passage of Bill 23, moving to a summary offence ticketing regime as well within the division to empower our officers to bring certain offences clearly into the summary offence ticketing regime and to therefore drive compliance in a very timely and, we hope, effective way. And I think it would be appropriate if, Glennis, if you wanted to walk through just kind of what the general thinking is around that.

Ms. Bihun: — So as with all enforcement tools that exist in our legislation, when officers make their assessment about the responsibility related to the offence, if I can use that word, we will do it based on those principles of the workplace responsibility system. So those with the most authority within the workplace have the greatest ability to undertake change, but everyone shares in the responsibility.

So we will apply those same principles as we do when we're issuing orders now or notices of contravention or when we're preparing prosecution files. And it is our intention to introduce penalties for parties throughout that system — so employers, contractors, supervisors, and workers.

Mr. Forbes: — Now what part of the legislation enables you to be able to do that? Or is it . . .

[17:15]

Ms. Bihun: — The authority to do summary offence tickets does not fall under occupational health and safety legislation, but rather it falls under *The Summary Offences Procedure Regulations*. So a separate piece of legislation under the administration of Justice.

Hon. Mr. Morgan: — The offences are found, the ability to create offences are found in this legislation, any person that breaches it but . . . And it is by definition a summary offence type of offence, but the summary offence ticketing is actually part of *The Summary Offences Procedure Act*.

Mr. Forbes: — That's more of a Justice issue?

Hon. Mr. Morgan: — It is.

Mr. Forbes: — Okay. But just to back up, I'm just trying to think of where in this Act, just . . .

Hon. Mr. Morgan: — Well the offences are created, then the individual offences for, say, failure to maintain an OH & S

committee or whatever else would be regulation.

Mr. Forbes: — Would be regulation. So actually it's a regulation that allows you do the summary offences?

Hon. Mr. Morgan: — Well it could be under the Act or it could be under the regulation, but it's *The Summary Offences Procedure Act* is the one that allows a summary ticket, a summary offence ticket.

Mr. Forbes: — Now this has caused some controversy, so I'm curious. Has this been talked about at the OHS Council? In your answer in terms of those with the greatest responsibility are the one on site, you know, I'm thinking of guys on the roof not wearing a harness. And if there's a foreman . . . Or who will get the ticket for not having the harness on?

Hon. Mr. Morgan: — I think you could have a situation where you have several people would be ticketed for it. You know, the primary responsibility for a safe workplace has to rest with the owner and with the employer. They're the ones that are obliged to provide the safety equipment and provide the necessary training.

So I think if you went on a job, for example you went on a job site and there was five workers that weren't wearing a helmet or weren't wearing fall protection, you're pretty clear that the employer is not supervising, hasn't provided equipment, hasn't provided the training. So in that situation, you likely would do nothing more with the individual workers other than to say, you know, other than to treat them as a source of information, and you may charge that particular employer with something fairly serious. But if you went back the next day and the employer was going around, told everybody to do it, you went back the third day and the employer was still . . . and you had the same person each day had taken it off as soon as . . . Then that employee would likely do it.

You know, you're aware of the Bradley curve or sort of the . . . Okay. Well I'll use a sort of a different . . . In the first instance, you know, the sort of psychological, is my employer is responsible to ensure that I'm safe, to provide me with equipment, and to train me. So that's sort of the first part of the continuum. The second part of the continuum is, I will be responsible for my own safety; I know what I have to do and I will look out for myself. The third part of it — and that's where we want people to be — is, I will not only look out for myself. I will look out for everybody else on the job site. I have been trained and I will . . . Safety is part of my DNA [deoxyribonucleic acid]. This is what I want to do, is I want to work on the safest possible so I will be looking out for, not just myself, for everybody else and to ensure that the whole workplace maintains sort of the fabric of safety.

So that's where you want everybody on the site, not just the employers, but you want the employees to be trained up, to know what their role is, to know what the role of other employees are, other employers on the job. So that everybody knows, you know, that if there's a piece of equipment, how far you have to stay back from it. Everybody is using . . . and if you see somebody else that's not doing it, that is where they shouldn't be, you remind them, you move them, or you stop the process. And I think that's where some of the more

sophisticated employers are at, is that's their goal and that's what they start out to teach their employees is you have to get to that third stage where you are looking out for it. And it's not just a matter of saying to the employers, you're doing it. Everybody that's on the job site has to do it and that's where the numbers really get driven down around the job sites, where that's the level that they're operating at.

So to get to that level you're going to be saying to the employers, you're going to teach, you're going to do this, but you'll also be saying to the employees, you don't look out for yourself, you know, you also have an expectation that you will comply as well.

Mr. Forbes: — Now and I don't know a lot about summary offences, so forgive me on this and I appreciate the comments made. So a summary offence to me, it seems to be that's where you give the people on site, it's a very quick way of ticketing. It's not a complicated way if the, you know, our example of if the foreman's not there or the employer's not there because he's left a crew to finish the roof, but you see this.

But what you're saying though is actually it's a little bit more complicated than that. You can actually go back to the employer and say, listen, we stopped by your work site; nobody was wearing . . . Nobody was following the rules. What happened? Am I correct?

Hon. Mr. Morgan: — Yes, you are. A situation where it exists regularly in a workplace already is traffic tickets. You're driving a courier vehicle and you speed. It's not an OHS officer that gives you the ticket, it's a police officer that comes and gives you the ticket, but it's exactly the same type of ticketing book and that police officer gives it to the driver of the thing. He doesn't worry about that, you know, he's already made a decision. He's not going to be charging the owner of the vehicle. He's charging the operator. He gives a ticket. They went through radar or did whatever unsafe thing. So the process would be the same.

Now on a job site the officer would have, you know, training and would understand that primary responsibility for safety, and that's why the Act has the provision in on prime contractor and owner and the definitions that are there to determine who is ultimately going to be responsible. So that's the starting point, is has the training and equipment been provided? Have they done all the things that are necessary? But they could also, if the employee, you know, if they make a decision, is do it. But the goal isn't to go after employees rather than employers. It's to ensure that everybody understands that the responsibility for a job site to be safe and secure is the responsibility of everybody that's on-site.

Mr. Forbes: — I think there's, as with any kind of changes there's a bit of an education process here, because clearly people have the experience of the speeding ticket and getting it right away, you know, and are going through radar, and that's their experience. So I think that if you have more tools in the tool kit that can meet the needs really quickly and grab the attention. Now the summary tickets though, will they be the same penalty? What penalty range are we talking about here?

Hon. Mr. Morgan: — Well, an MLA asking an unsafe

question in the House would be a very high penalty. Once again, pardon my humour. But there would be a range of penalties. Those would be determined by the regulation, and that's the difference between going through a formal charge. A formal charge, the person has to appear and the penalty is set by a judge. One of the benefits of a summary process is that you would have a prescribed penalty that's in there. The person pays it and that's the end of it. If the person chose not to want to pay it, if they wanted to fight it, they would still be able to appear in court, enter a not guilty plea, and the Crown would have the obligation to prove the offence. But they would vary from what range?

Ms. Bihun: — They'll vary from 1,000 for a maximum for employer to a reduced amount of 250 for a worker.

Mr. Forbes: — Now what kind of things would a worker be charged with? These are based on, because they're summary tickets, they are reduced from the other penalties? Is that the parallelism?

Hon. Mr. Morgan: — They're prescribed in the regulation. So they could be prescribed at a higher or lower rate, but the idea would be these are for the less serious ones. You wouldn't give somebody ticket after ticket after ticket, you know, if a person was noncompliant at that point. But the type of things that an individual would be charged with would be failing to use the safety equipment, and that would likely be a fall arrest, helmet, or protective eyewear or maybe ear protection as well. But those would be the type of things that a worker would have to assume some individual responsibility for.

Mr. Forbes: — Now because this is a new area for Saskatchewan, are you going to be monitoring this just to get some feedback to see how this tool works, how appropriate it is?

Mr. Carr: — It is certainly our intention that we are going to implement on a very practical basis and learn as we go. As you are well aware, there's a significant volume of regulations to which offences could apply, and what we've chosen is to be very prescriptive initially to look at those areas within the Act and regulations where we have significant risk to workers or we have flagrant disregard for the compliance requirements under the Act. And so we're starting out with a fairly moderate list of offences. And our expectation is that as we gain experience with that, the list may grow, it may contract.

But our view of it is that, again, summary offence ticketing are yet another tool to bring compliance with the provisions of the Act. When we looked at summary offence ticketing as an issue, it's really predicated on the fact that the more immediate the consequence for the breach, the more likely the individual or the firm will move to comply. And it's a way of, if you look at it from a kind of practical and pragmatic point of view, for us to mount a prosecution for a violation, it's taking on average two years for that offence to be heard by the court. So from the time we've concluded our investigation, sent the file to Justice, had it processed, have the charges preferred and laid, have then the appearance in court and then get to court and have an outcome, is often two years. This will shorten that significantly. And as a result of that, our view is that we're going to see a significant benefit in terms of injury reduction as a result of people

understanding that they must comply with the basic provisions.

Now the other thing I would say to you is that there's nothing in the summary offence ticketing regime that is going to restrict the laying of charges where there is a serious mishap, injuries, or a fatality. And those provisions will continue to be prosecuted.

Mr. Forbes: — Now from my understanding a couple of areas that there's real concerns around falls and in health lifting. Are those going to be areas that we're going to see this kind of thing?

Ms. Bihun: — Yes.

Mr. Forbes: — Yes, there is. I have to tell you this great story. I had my house roofed last summer, a two-storey house. And the guys came, they put their anchors on the roof and they harnessed themselves. And I was just amazed; I thought this was an advertisement for workplace safety.

Mr. Carr: — I believe that's correct. Because even with the work that OH & S has done, that is the most significant hazard to workers, is injury from falls.

Mr. Forbes: — I told the company I was so proud that they'd done that and I didn't have to ask them. And I left the anchors on my roof as a sign of . . . not when I'm going to go up there . . .

Mr. Carr: — Perhaps for you to install the Christmas lights.

Mr. Forbes: — Oh no, not at all. But I was really . . . And I talked to the workers about it and of course they had an experience of falling, and never again would that happen. And of course with my roof, one of them actually did fall through the roof. If they didn't have the harness on, they would have fallen off the roof and it could have been very serious.

Hon. Mr. Morgan: — Is there a hazard in the house that the roof was not able to hold their weights?

Mr. Forbes: — I don't know. I'm not sure. I didn't get up there to inspect.

Hon. Mr. Morgan: — I presume you were not in your capacity as an employer. So the protections in the Workers' Compensation Board Act may not apply, and they may have an action against you but I . . .

Mr. Forbes: — You're just saying, eh? But all's well that ends well, and it was very good.

Hon. Mr. Morgan: — I'm glad that nobody was hurt.

A Member: — That's a great example.

Mr. Forbes: — Yes, but it is a great example. And I've made sure I mentioned to the company that I felt really good and that I would tell everyone that the guys were there and they did the right thing, and without being forced to. It was really nice to see that this was just part of the workplace. And so that was very good.

Well we'll watch how these tools, these tools take place because of course we want to see the best thing happen. I know that there is some nervousness around the summary tickets and how that may proceed because again, as was noted that those who have the most impact in terms of designing the workplace, what happens in the workplace, but again we are all part of making this work too. So, good.

The next part I really want to talk about is, and I think now on the next page. And we're getting close to the end of the kind of things that I wanted to raise, but it's really around page 10 and 11. I know, section 49. Is this all related to special harassment unit and harassment — 44, 49? The amendments 44, 48, 49.

[17:30]

Hon. Mr. Morgan: — The section number please?

Mr. Forbes: — These are sections 18, 19, 20, 21, 22. Are they related to the workplace harassment? Or is this . . . I'm trying to find, when I was looking through the report it was . . . or the old Act, it wasn't coming clear to me what was . . .

Ms. Bihun: — Yes, from the perspective that for appeals there's a number of changes that arose out of council's review, and additionally a key change that arose was that we needed to clarify the time that parties had to appeal decisions. So you'll see consistently throughout all the sections related to appeals, you'll see that piece now talk about 15 business days from the date of service, replacing 21 days from the date of the decision because we didn't have any way to know when the recipient would actually receive the officer's decision, to sort of start that clock ticking. So that's a key change that is consistent throughout the appeals, regardless of who the appeal goes to.

The other clarification point is related to providing clarification around who is a person directly affected by an appeal and clarifying that those are individuals out of the workplace, right, so associated through responsibilities within the legislation. And that helps Burger King across the street, you know, not directly affected by an officer's decision that might have been provided in some other restaurant that they knew about. Okay.

Mr. Forbes: — Okay. Now I think I've lost my place here. Okay, we're good. Like in section 18, it talks about confidential information but that's more related to hazardous materials information. That's not an harassment issue, I think.

Mr. Carr: — I just want to be clear what section of the Bill you're . . .

Mr. Forbes: — I'm looking at on the page 10, section 18. And I'm also looking on the notes that go along.

Mr. Carr: — 43(1)?

Mr. Forbes: — 43(1). And that seems relatively straightforward but oh, that talks about the existing notes that's why . . . Yes, so that's good. Okay.

What I am concerned about is section 49 amendment to clause 21, and it's on page 11 of the Act. And this is what you were talking about, okay, but this is not . . . I know one of the issues a

few years ago was in terms of the harassment unit and that the council had decided, and it seemed to be a consensus decision, that some of the information related to the harassment be released in almost a public way. And we had decided not to do that because of privacy issues. And is that still the case or is that being released?

Ms. Bihun: — That is still the case. If you think back to when I was referencing the number that were not proceeding from council's recommendations, that's one of those, yes.

Mr. Forbes: — And I'm fully supportive. I'm fully supportive of that because I think there's some real issues around privacy. And so that's fair enough. Okay then, and then on page 13, the appeals to the special adjudicator, are there significant changes on, that's 56.3?

Ms. Bihun: — No, there are really only updates to the references to the section numbers in subsection 2.

Mr. Forbes: — That's good to know then. And then we get to the penalties here on page 14 and these are essentially doubling the amounts, that's relatively straightforward. What kind of feedback . . . I have had some feedback actually, somebody did call me and thought this was too much. And I need to share that, so I have now discharged my duties. But have you had much feedback in terms of the . . . [inaudible]?

Hon. Mr. Morgan: — I'll let each one of the three of us speak to it. I talk to employers fairly regularly and I haven't had an employer say, this is too much; go easy on us. And I've never had an employer come to us and say, interfere with or meddle on a process that's been against me. They've been remarkably professional as far as sort of keeping their distance when there's an investigation or there's been an incident. And when you talk to them about the fines, I say the same thing that I've said here, that we know that fines are one of the most effective ways of ensuring that we run down the end and the employers say, we know you have to do that and we're supporting you.

So I'm pleased. And I wish that wasn't the tool that's being used. And as much as I'm reluctant to name a specific employer, I will. You're aware that one of the largest fines the province ever laid was against Potash Corporation. But at the next annual general meeting and the next time that their CEO [chief executive officer] spoke, he spoke in terms of workplace safety, making the processes in place. So clearly for them it had served its purpose and they were clearly working towards that end. So I commend them for having done that and it appears that this works.

Mr. Carr: — Really all I was going to add, Mr. Forbes, was, as you're well aware, my background is in business, and I think that I was fairly certain we were on the right track when colleagues, former colleagues of mine simply indicated that the fines were not only appropriate, but they offered this reminder: you only need worry about fines if you've done something wrong. And from the chamber of commerce perspective, for example, their view is that if we're going to enhance productivity within the province, one of the first things we need to do is tackle our injury rate and make sure that people are safe on the jobs that we invite them to undertake.

Mr. Forbes: — Right.

Ms. Bihun: — I would add that it's notable, for all the feedback that we received during the consultation process on the question of should we increase penalties, all who responded did indicate in favour of increasing the penalties. While we got very little guidance about how much to increase those penalties, we did have the opportunity to have those discussions with the OH & S Council and present levels through that capacity.

Mr. Forbes: — Now how do these fines compare to our neighbours — Manitoba, Alberta . . .

Mr. Carr: — In terms of the jurisdictional comparison, at our maximum we will be the top. At some of the basic compliance pieces, we'll be in the median.

Mr. Forbes: — And so were we at the lowest then before?

Mr. Carr: — Yes.

Mr. Forbes: — And this is good. Well that's important and I appreciate that, and I think this is an important thing.

But I do have a question and it's sort of going back to, you know, our discussions last night, you know, because I raised the concern about some places where I think are unsafe. And you know, and I appreciate the minister's comments, but how do you remain professional but yet you know there's unsafe circumstances? So how does the public have input into this, you know, in a respectful way to say, you know, if they can phone up . . . Can they phone up occupational health and safety — listen, I have a concern about this; please follow up, and I want to know what happens?

Mr. Carr: — We have actually a significant number of calls that come in on a regular basis from individuals who have seen something and ask us to go and check it out. Now where we're able to do that, where we're close enough in proximity to the event and we can get there and actually discover what's going on, we're able to take some appropriate remedial action. But it is quite refreshing to learn that we do get a number of those each week.

Mr. Forbes: — And do people get . . . What is the process in terms of, can people find out if the fine . . . Are they public? Is it public information, the fines?

Mr. Carr: — We do publish every prosecution, and we also publish every outcome, whether it's a conviction or whether it's an acquittal or whether it's a stay. And it's available on our website. And we also issue, as we're doing that, notices to the press.

Mr. Forbes: — How far down does that go? Would that go to notices of contraventions? Or where can people find out the very . . . They won't find out the summary . . .

Hon. Mr. Morgan: — At this point in time, it would be somebody that was formally charged under the Act. A notice of contravention doesn't necessarily mean they're charged. So at this point the current practice is, if there's a charge laid, the information is put online. Now with the changes that are being

made, a summary offence ticket would not find its way on to either the website or anywhere else. The summary offence ticket is, you know . . . The analogy I used earlier is not an analogy, but the other one would be, you know, if you get a speeding ticket, nobody puts it on a website or something else. It's, you know . . .

Mr. Forbes: — In a newspaper? Who is speeding in Moose Jaw and . . .

Hon. Mr. Morgan: — I didn't grow up in Moose Jaw, and maybe it's a good thing I didn't.

Mr. Forbes: — Anyways, no, that's fair enough. I think that's quite appropriate too. There's a point where it becomes absurd.

Hon. Mr. Morgan: — There's a distinction between what should and what should not be published. And I think where it's a summary offence ticket, you know that it's at the low end of the scale. The purpose of it is to ensure compliance. And you know, if they chose to, you know, formally charge somebody and bring it before court, then it's one of the things that would be there. But if it's the type of thing that a summary offence ticket would serve the purpose, there's no need to go to a publicity point.

Mr. Forbes: — Then I guess as we get close to the end here, we're at new sections 62 and 60.1. I think this is an important area that in turn . . . These are new pieces: "**Onus on the accused re duty or requirement,**" especially the one in 62.1 about the retraining of workers, that there is some proof that training actually happened and that not just to say that there were posters on the wall, but that the person actually understood and was able to benefit from that. I don't know if you want to speak to that, but that is a brand new piece.

Mr. Carr: — It is, and it's certainly something that we see significant value in because I think that often people will say to you they've been trained. And you say as an officer in the field, okay, you've been trained. Demonstrate that. And they say, well you know, it was so long ago.

The issue really is trying to get back at the onus that an employer has to ensure that the people that they employ are knowledgeable of the risks and hazards in that workplace and are trained to effectively carry out the duties to which they're assigned. And the challenge, when we look at it, this is really a best practices piece. This is about creating in the internal responsibility system within workplaces the idea of accountability for that training. And it's this opportunity again that creates an opportunity for our officers to really compel, show us that they were trained and to make an assumption if they cannot provide the proof of training. And it's the accountability; it closes that loop on accountability.

Mr. Forbes: — Well I think this, you know, we support this. We feel it's important, and I know that the members that I've talked to in the council and others are very anxious to see it move forward. There was, as I said, some anxious moments to see how some of this will play out, and I hope that what's really key is the achievement of a safer workplace, and that it's done in a fair and appropriate manner because that's what sticks. That's what stays.

Mr. Carr: — That's what changes behaviour.

Mr. Forbes: — That's what changes behaviour. So with that, those will be my questions, and we're good to go from this side.

[17:45]

The Chair: — Thank you. Seeing there are no more questions, we will begin with the vote of the clauses. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clause 2 agreed to.]

Clause 3

The Chair: — Clause 3. I recognize Mr. Marchuk.

Mr. Marchuk: — Yes. I move:

Amend subsection 2(2.1) of *The Occupational Health and Safety Act, 1993*, as being enacted by subsection (2) of Clause 3 of the printed Bill, by striking out “subclause (2)(d)(ii)” and substituting “subclause (1)(d)(ii)”.

The Chair: — Mr. Marchuk has moved amendment to clause 3 as follows:

Amend subsection 2(2.1) of *The Occupational Health and Safety Act, 1993*, as being enacted by subsection (2) of Clause 3 of the printed Bill, by striking out “subclause (2)(d)(ii)” and substituting “subclause (1)(d)(ii)”.

Do the committee members agree with the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — Carried. Is clause 3 as amended agreed?

Some Hon. Members: — Agreed.

[Clause 3 as amended agreed to.]

[Clauses 4 to 30 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 23, *The Occupational Health and Safety Amendment Act, 2011*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 23, *The Occupational Health and Safety Act* with amendments.

Mr. Marchuk: — So moved.

The Chair: — Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I believe that completes our work in this committee.

Hon. Mr. Morgan: — Before you adjourn, I would like to thank the staff that are with us today here but also the building staff and the people in Hansard because we extended and probably wrecked some supper hours and some personal plans. So thanks to all of them and thanks to everybody that participated in the afternoon search and thank you to all of the members and their accommodation in this as well. All one on that side.

The Chair: — Thank you, one and all. We are in recess until 7 o'clock.

[The committee recessed from 17:50 until 19:00.]

General Revenue Fund Advanced Education, Employment and Immigration Vote 37

Subvote (AE01)

The Chair: — Good evening, everyone, and welcome back to the show. This evening we will resume our consideration of estimates and supplementary estimates for the Ministry of Advanced Education, Employment and Immigration, followed by consideration of Bill No. 42, *The Graduate Retention Program Amendment Act, 2012*. We will now resume our consideration of vote 37, Advanced Education, Employment and Immigration, central management and services, subvote (AE01). Mr. Minister, if you would please introduce your officials and any opening remarks.

Hon. Mr. Norris: — Thank you very much, Mr. Chair. To you and all the committee members, I'm very pleased to be back before the committee tonight. I will just take the liberty of making those introductions and then what I'm happy to do is, given that I've already provided my initial remarks during the first session of the budget deliberations through the committee, I'm happy to just simply move to questions and comments.

But I would like to introduce Clare Isman, my deputy minister within Advanced Education, Employment and Immigration. As well, David Boehm is here, assistant deputy minister, post-secondary education. Behind me, Rupen Pandya, assistant deputy minister, immigration, employment and training. We also have Karen Allen, our assistant deputy minister for corporate and support services.

There are a number of other ministry officials that are joining us here tonight which I appreciate greatly, but what we'll do is just simply introduce those if and as those individuals come to the mike. So to you, Mr. Chair and to all committee members, thanks very much for the opportunity to join you tonight, and I'm happy to receive your questions.

The Chair: — Thank you, Mr. Minister, and Mr. Broten has the floor.

Mr. Broten: — Thank you, Mr. Chair, and good evening to

officials and committee members. I'll start off this evening with a few questions about a piece of correspondence that I received and I think probably most members of the Assembly received as well. And it was a letter from the Adoption Support Centre of Saskatchewan that was sent actually just in early 2012. And the Adoption Support Centre, reading from the letter that was addressed to me and I think shared with other MLAs, perhaps the minister's office, in bold it says:

We believe that all adoptive parents are entitled to receive the same number of paid weeks in EI program benefits as a foster parent or a biological parent and which would be inclusive of domestic adoption, private adoption, and international adoption.

And it's my understanding that the Adoption Support Centre is working towards, at a federal level, the creation of an adoption leave benefit of 15 weeks. And I realize this is in the federal domain, but as it is under Employment as well and certainly addresses or touches the lives of many Saskatchewan people, just wondering if the minister has a view on the work that the Adoption Support Centre has been calling for, and if there's been any discussions that have occurred between the ministry provincially and the federal ministry on this issue.

Hon. Mr. Norris: — Great. Thanks very much, thanks very much for the question. You know, certainly there has been a dialogue that I would say we were on the, kind of on the margins of, given that this is directly related to the federal government. And you know, what we're happy to do is work with the support centre, and it would seem that a mechanism or an avenue to help facilitate the dialogue with Ottawa may be through the federal-provincial-territorial labour market ministers meeting. And I'm happy to suggest that that be put on the agenda.

Mr. Broten: — Thank you for your willingness to add that to the agenda. And I raise it aware of the fact that it is a federal domain, but having been contacted by the agency as well as a number of constituents in Massey Place and I'm sure other MLAs [Member of the Legislative Assembly] have perhaps received such correspondence.

I know a number of families who have adopted internationally as well as locally. And when, considering the adjustment periods needed and the type of adjustment with adoption compared to biological children, it's different but it is great and it is important and required. So, thanks for the minister's willingness to raise that at a future date with colleagues on the national stage.

Hon. Mr. Norris: — Sure, and I'm happy to do it. In fact my cousin and her husband, they've just adopted a little boy from Ethiopia. So on a personal basis we see the importance of a loving, caring home and what that can mean. So, no, happy to put that forward as a potential agenda item. Obviously the agenda is formed in co-operation, collaboration with the federal minister and then the host minister, but we have input in those. So, happy to do that.

Mr. Broten: — Thank you very much. Having covered that, we will move into some other topics now. I'd like to ask some questions right now on the topic of SIAST [Saskatchewan

Institute of Applied Science and Technology], switching gears a bit. Could the minister please provide an update as to where the situation is at, with coming out of the arbitration that occurred between SGEU [Saskatchewan Government and General Employees' Union] and management for a period of time without a contract? Has that been totally wrapped up and settled? And please provide an update to the committee.

Hon. Mr. Norris: — Sure. Thanks very much for the question. There are two streams that are affected by this settlement. There is an academic stream and an administrative stream. If I'm not mistaken, the academic stream would have somewhere in the range of about 1,000 members, and on the administrative side, I think we're dealing with between 5 and 600. And it's my understanding that this has now been successfully completed, and we're just in a phase of an implementation.

I think, as everyone will recall, an arbitrator was involved with this settlement. And so the implementation is now occurring, I think, along the lines of the arbitrator's recommendations. And that's just being followed up right now.

Mr. Broten: — When did the arbitrator complete his work?

Hon. Mr. Norris: — My understanding is that that work was completed towards the end of March of this year.

Mr. Broten: — Okay. Is there a projected completion date as to when the implementation will be completed?

[19:15]

Hon. Mr. Norris: — Thanks very much again. My understanding is they'll continue to work through the summer and probably into the fall.

Mr. Broten: — And what is the duration of the settlement that was achieved? How long . . . a few questions. When did the previous settlement run out, expire? The settlement that is now being implemented, what is the duration of it? And when — I guess by that, we'll know what the completion date of the settlement is — if you could please shed some light on that?

Hon. Mr. Norris: — The previous agreement expired on June 30th of 2009, and this agreement expires on June 30th of 2012. That's just next month.

Mr. Broten: — So it expires. The agreement, if that is that was reached, covers the period of time when there was no contract. Well it's retroactive obviously to when the last one completed, but the actual completion date of the agreement that has been reached, that has been implemented now, it actually expires at the end of June?

Hon. Mr. Norris: — Yes.

Mr. Broten: — Okay. And was I correct in understanding the implementation of the agreement that expires in June will be ongoing throughout this summer and hopefully completed by fall?

Hon. Mr. Norris: — Yes.

Mr. Broten: — So is the plan just to sort of roll, roll from implementation into negotiations again, or what is the ministry's view on that, seeing that the agreement that is not yet implemented actually expires quite soon?

Hon. Mr. Norris: — Yes, essentially we're seeing the result of the parties and the arbitrator and the work that was carried out. And certainly from the management side, there is preparatory work under way as far as the new round of bargaining.

Mr. Broten: — I noticed an article in *The StarPhoenix* that talked about, among the employees, those that are in-scope that had been part of SGEU, there's — at least as reported in the article that I read — some individuals that are looking at breaking away from SGEU and potentially creating a faculty association. My question to the minister: is this issue on the ministry's radar? And is this activity occurring now among the faculty? Is that causing delays with the implementation process, or how is that affecting the implementation process? Because I do see with a contract expiring quite soon and it not yet being implemented, I would think there would be a bit of urgency to at least get what's already settled implemented.

Hon. Mr. Norris: — Yes. As I have said, you know obviously the implementation continues to roll out. As far as questions regarding representation that the employees may be seeking, obviously that's up to the employees and that doesn't have really anything to do with management. Management will roll up its sleeves and prepare for the upcoming negotiations and let the employees draw on their democratic rights, as far as representative bodies, that they see fit.

Mr. Broten: — Thank you very much. In the implementation process, it seems like it's taking a bit of time, especially with the agreement running out quite soon. Is the current atmosphere between the two sides, in effectively and quickly allowing the implementation to occur, is the atmosphere positive right now? Are the two sides working together or is there a bit of impasse? Or is one side sort of less co-operative than the other? If the minister could provide a bit of an overview as to what may be a holdup and how things could perhaps move along quickly.

Hon. Mr. Norris: — I think my sense is just very detailed work. Some of the work that's under way quite literally goes down to the individual employee level and what that remuneration actually looks like. So my sense is it's just simply detailed work.

Mr. Broten: — Thank you very much. I understand in the agreement that was reached there were some provisions to allow for faculty salaries to come up to the Western Canadian average. Is that correct?

Hon. Mr. Norris: — Great. I'll get Deputy Isman to address the specific question.

Ms. Isman: — Thank you, Mr. Chair. Yes, the arbitrator's ruling actually with regard to the Western Canadian average was applicable to both bargaining units — 3 per cent increase with regard to the professional association, and a 1 per cent lift related to Western Canadian average for the professional staff.

Mr. Broten: — Just to recap, that's 3 per cent, 3 per cent

increase for the professional side and 1 per cent for the administrative?

Ms. Isman: — Administrative staff, yes.

Mr. Broten: — Okay. What is the dollar amount attached to those two increases? How much is it expected to cost for those two increases to be implemented, please?

Hon. Mr. Norris: — Again I'll have Deputy Isman respond to this one.

Ms. Isman: — Thank you, Mr. Chair. We don't have the breakdown between the professional group and the administrative group, but the overall cost related to the Western Canadian average is \$6.32 million.

Mr. Broten: — Six point three . . .

Ms. Isman: — Million.

Mr. Broten: — And so that's, just to be clear, that 6.32 million is exclusively for increasing wages up to the Western Canadian average?

Ms. Isman: — Correct.

Mr. Broten: — Okay. In this year's budget, is there funding specifically allocated to cover off that increase?

Hon. Mr. Norris: — Thanks very much, Mr. Chair. Between the budget and surplus that SIAST had, there should be sufficient funds to cover this.

[19:30]

Mr. Broten: — So the budget doesn't specifically have a line item or a breakdown of funding provided to cover those expenses, but it's the expectation that SIAST come up with this amount through its existing operating and/or reserves?

Hon. Mr. Norris: — Yes. It's a combination of new dollars in the budget and surpluses that SIAST have.

Mr. Broten: — And I assume the surpluses were from during the strike when wages weren't being paid out. Is that where the surplus accrued?

Hon. Mr. Norris: — It's more complex than that. Some of those dollars certainly were accumulated during the labour disruption and negotiation, and other components of it had pre-existed.

Mr. Broten: — What are the other components that pre-existed? Are there some examples of what those other components are?

Hon. Mr. Norris: — These other dollars have come about over a number of years just simply through the ongoing operations of SIAST.

Mr. Broten: — Okay. Two questions: how much was saved or not spent through the labour disruption? How much was saved

during that time by not paying wages? That's the first question. And the second one is, what is the total amount of the reserves that SIAST would have that are available to them at this time?

Hon. Mr. Norris: — Great. There's a total that we'd be looking at is about 7.8, so more than enough to cover the 6.3. Of the 7.8, about 3 million was saved during the disruptions.

Mr. Broten: — Thank you. What's the normal amount in reserves that SIAST would carry forward on an annual basis? Is there a trend over the past number of years? Is it normal to have 3 million in reserves? Well I guess there's the 3 million from the disruption, but I mean if the disruption doesn't happen every year . . . So if you took 3 million from the 7.8, is that a normal amount that SIAST would be carrying forward in reserves?

Hon. Mr. Norris: — Yes, going back over a number of years an average would probably be between 3 and 4 million.

Mr. Broten: — Thank you. So 7.8 in reserves; 6.3 will be used for the wage bump as per the agreement, so that's one and a half million about left. Is it the minister's expectation that those funds will be exhausted in this fiscal year?

Hon. Mr. Norris: — I think the board policy is somewhere in the range of about 1 per cent and so with a consolidated budget of about \$200 million in operation — I think the board policy is in and around 2 million; again it'll fluctuate a little bit — so I anticipate that again it'll be close to adhering and being consistent with the board policy.

Mr. Broten: — Okay, thanks. Just backing up a question, when I asked about how the wage adjustment would be paid for, did the minister say it would be a combination of new dollars and reserves? Am I correct in that understanding?

Hon. Mr. Norris: — Yes.

Mr. Broten: — Thanks. So the current reserves that hit 7.8, what portion of that, does the minister know what portion of that will be used for the wage adjustment? Or is it earmarked for other projects or going into operating? How is that being used?

Hon. Mr. Norris: — Again I'll let Deputy Isman just address this one, especially given its close connection with the operations of SIAST and some of the prerogative of the administration and the board.

Ms. Isman: — Thank you, Mr. Chair. The specifics as to whether or not reserve funds are used or whether operating dollars are used are really the discretion of the board. So if the board chooses to then allocate what's in reserve to fund any initiative, then they would seek approval to do that. Otherwise they would simply use the operating dollars that they have available to them. And we don't specify to them what money should be coming out of reserve or what money should be used out of operations. That's up to the administration to recommend to the board and for the board ultimately to make the decisions.

Mr. Broten: — Has the board shared with the ministry what level the reserves will be at at the end of this fiscal year?

Ms. Isman: — Yes. Right now what they're projecting, which is June 30th, 2012, so it's still a projection right now, is the \$7.8 million that they expect to have in their reserve.

Mr. Broten: — And at the end of the next year, what will it be at?

Hon. Mr. Norris: — Thanks very much, Mr. Chair. I'll ask to be corrected. The SIAST board policy is actually not 1 per cent. It's half a per cent of their annual revenue. And so the board policy is about, it would be the equivalent of about \$1 million. So my apologies on that. Again I'll ask Deputy Isman just to address kind of that connection as far as the administration of the board and direction and projections that we get.

Ms. Isman: — Thank you, Mr. Chair. In terms of the projections for '12-13, it will come to us by way of SIAST business plan which they're currently working on and will submit to the ministry some time in May, early June, at that time. And it's at that time that we'll see what their projections are with regard to programs, their revenues, their expenditures, and any anticipated projections that they would have for surplus. Although generally speaking, they would project a balanced budget as apposed to putting money into surplus other than meeting potentially the board's provisions by way of policy.

Mr. Broten: — Thank you. When does President McCulloch's term come to a close? And has the board selected a new president? And when does he or she start?

[19:45]

Hon. Mr. Norris: — Thanks very much for that question. I'd like to preface my response by, you know, offering a very sincere thanks and vote of appreciation for Bob McCulloch. He has served SIAST students, the institution, very, very well. He's also just done a really remarkable job at community outreach and engagement. So to preface all this, in his current capacity President McCulloch will be finished his work as president at the end of June. That's a natural time on, as far as administrative positions for many academic and post-secondary institutions. The board is in I would say probably final stages of its review for a potential successor. And I anticipate as the board wraps up that work, an announcement would be forthcoming. We'll let them proceed with their work. Dr. McCulloch is going to stay on, I believe, for at least an additional year in a support capacity and we appreciate his willingness to do that. That's going to help with aspects of continuity as the transition is under way.

Mr. Broten: — Thank you, Minister. And I would echo the words of thanks to President McCulloch. Anyone who spends any time around him knows that his enthusiasm for SIAST is real and he's certainly been a strong advocate for SIAST over his term.

So on the issue of the reserves again, the amount that is there, the minister said the board policy was to go down, to carry forward point five per cent of total budget. So is it the expectation then of the ministry that whatever is in the reserves, the 7.8, that that would be burnt down to . . . not burnt down but used to the point where it was at the point five percentage

range?

Hon. Mr. Norris: — Obviously the, you know, the relationship between the ministry and SIAST, especially the board, is one that's defined by, you know, a largely collaborative partnership. And so first and foremost, you know, it's making sure that the board is adhering to its own policy, and we do that with a spirit of co-operation. And you know, as far as priorities and potential investments that the board would see fit, the expectation from the ministry and from myself is one of sound stewardship, obviously a key tenet of investment in post-secondary education.

We want to maximize the dollars, those precious public dollars that are being invested into students and invested into, you know, the support of the success of the institution. So you know, it's one that is certainly mindful of the roles and responsibilities of the board and an expectation, general expectation is one of sound stewardship.

Mr. Broten: — Okay, thanks. On the topic the minister mentioned, priorities and things that SIAST is doing, one of those is — and I'm reminded of it often because it's just outside my constituency on 33rd Street as I drive up and down the hill — is the issue of the two properties that was purchased for the Kelsey Campus on 33rd. One was the Dover facility and the other was the warehouse adjacent to it. And as the minister will recall, these were the two properties that were purchased without authorization from the ministry. And the auditor gave an opinion on that and we've covered that in previous discussions.

I notice some construction occurring at the one building. Could the minister please update the committee, update what are the plans, what are these buildings going to be used for. Are they being both thoroughly renovated right now? How much will this cost? How is this being paid for? Some information on that please, and then we'll carry on with questioning.

Hon. Mr. Norris: — Sure. Yes, in the Dawn Foods Building, what we see is an investment of more than \$2 million. I think it's 2.1. The bulk of those dollars are going towards a mining engineer tech program. I think that's 1.8 million. And that's to help meet the needs of a rapidly expanding mining sector, and we're pleased to see the progress there.

The additional 300,000 or so would be for renovations and improvements on the second floor. And those would be for some administrative and I believe student service offices. For example, I think the international offices of SIAST are going there. And I think there's some IT [information technology] that's being shifted there. So it gives you a flavour of it.

Mr. Broten: — Those renos, you said it was 2 million. 1.8 million goes to the mine engineering tech program.

Hon. Mr. Norris: — Yes, about 2.1.

Mr. Broten: — Yes.

Hon. Mr. Norris: — Yes, 2.1.

Mr. Broten: — And then 300,000 to renos on the second floor.

So that's just the Dawn Building, right?

Hon. Mr. Norris: — Yes.

Mr. Broten: — Okay. So the building adjacent, the larger warehouse, is that more or less mothballed right now or is it being used? I see there's a parking lot in front of it, but what's the status of that building?

Hon. Mr. Norris: — Yes, my understanding is on that other building, it's just simply at a planning stage and phase right now. I think they're looking at a range of options.

Mr. Broten: — Under the range of options, is there a price tag associated with some of the options? It's a very large space. What might . . . Is the idea to retrofit the building in some way to use it for programming? Or is it to tear it down and simply have access to that footprint? What are the plans for that second building?

Hon. Mr. Norris: — We're at the initial stages and we're waiting to, you know, to hear more concretely from SIAST on that.

Mr. Broten: — So right now, pretty much all options are more or less on the table for that second building?

Hon. Mr. Norris: — Yes.

[20:00]

Mr. Broten: — Okay. With the addition of, the minister mentioned, administrative offices going in on the second floor, does that mean some of the downtown space will be let go?

Hon. Mr. Norris: — Yes. My sense is SIAST'll likely hold on to that space and simply repurpose it downtown.

Mr. Broten: — Okay. Thank you. For the Kelsey Campus in Saskatoon, they're spread out over a number of locations, or have been for some time. How many locations are currently leased by the Kelsey Campus?

Hon. Mr. Norris: — The present number is 13.

Mr. Broten: — Okay. Thank you very much. Take a moment to look at SIAST's relationship with the apprenticeship commission and with respect to rates being charged. What is the minister's expectation as to what sort of increases may occur over the next year?

Ms. Isman: — Thank you, Mr. Chair. The model between SIAST and the Apprenticeship and Trade Certification Commission is a cost-recovery model. So whatever the actual costs are of SIAST delivering the programs for SATCC [Saskatchewan Apprenticeship and Trade Certification Commission] are then passed on to the commission.

Mr. Broten: — So is it the expectation that costs will be going up this year for SIAST to deliver those programs?

Ms. Isman: — Yes, based on the increased costs with regard to the salaries and wages, with regard to the staff, then they are

projected to go up. Yes.

Mr. Broten: — By how much?

Hon. Mr. Norris: — Again, Mr. Chair, I'll ask Deputy Isman to weigh in on some of these intricacies.

Ms. Isman: — Thank you, Mr. Chair. Once again part of this is related to the planning process for SIAST for '12-13, which they're just in the process of currently doing in terms of the expectations for training from the apprenticeship and trade certification built into their planning, which will then come forward as part of their overall operations plan. In terms of the general estimates that they've provided to us, the increase with regard to the SIAST instructors related to apprenticeship and trade certification training is approximately a 6 per cent increase.

Mr. Broten: — So earlier on in the evening when we talked about the wage adjustment for faculty and the total amount was 6.32 million for the wage adjustment, a portion of that 6.32 million will be coming from increased revenue which means increased charges to the apprenticeship commission. Am I correct in that understanding?

Ms. Isman: — Thank you, Mr. Chair. The overall cost wouldn't necessarily . . . They aren't just directly associated with the increased costs related to the arbitrator's ruling on the Western Canadian average, because there was also increased economic adjustments that were made in that settlement as well of one and a half, two, and two. So once again it's a bit of a combination of all of these factors going on concurrently, as well as then the overlap in terms of the '12-13 fiscal year for SIAST as to then what the planning is with regard to those programs and the costs of those programs.

Mr. Broten: — Okay. And so am I correct in what I heard? The deputy said that the increase in the expenses for the delivery of those programs would be 6 per cent higher than last year?

Ms. Isman: — Thank you, Mr. Chair. The projection that we have from SIAST, which is an estimate at this point, is that there would be an increased cost of 6 per cent related to the salaries of the SIAST instructors.

Mr. Broten: — So with respect to the increase of training provided by SIAST for the apprenticeship commission, it's an increase of at least 6 per cent based on salaries alone and then taking into other factors, inflation for everything, lease payments for the 11 properties or whatever it is, all that would be factored into the total increase that SIAST would be experiencing for the delivery of its programs for the apprenticeship commission. Is that correct?

Ms. Isman: — I think it's correct that it will be inclusive of that, but we don't have the projections yet because we don't have their business plan yet in terms of what those costs will actually be.

Mr. Broten: — In the last year, what was the total increase of charges to the apprenticeship commission for program delivery?

[20:15]

Hon. Mr. Norris: — I'm just going to have Deputy Isman just continue with this, given the level of detail and analysis that's under way.

Ms. Isman: — Thank you, Mr. Chair. The actual expenditures of the Apprenticeship and Trade Certification Commission to SIAST in 2010-11 was \$12.9 million approximately. And the projection that they had then with regard to the '11-12 budget, which I think was the question, was then \$14.9 million. So it was a \$2 million increase of costs to the commission from '10-11 to '11-12, to their budget.

Mr. Broten: — Okay. So a bit more than 20 per cent or something like that. What are the main revenue streams for the apprenticeship commission?

Ms. Isman: — Thank you, Mr. Chair. We actually just pulled the annual report of the Apprenticeship and Trade Certification Commission. So the revenue sources identified are grants from the General Revenue Fund, client fees, industry contributions, products and services, and interest revenue.

Mr. Broten: — What amount and percentage do the — about — do the client fees make up?

Ms. Isman: — Thank you, Mr. Chair. The client fees for 2011 were just over \$2 million out of total revenue of 22 million.

Mr. Broten: — So for the additional charges that SIAST will be charging the apprenticeship commission, we know that it's at least 6 per cent, based on wages. Then there'll be other factors once the business plan is complete in order to determine how much the total increase is. Any view or ballpark right now on how much more clients will be charged for being enrolled and receiving training in the next year?

Hon. Mr. Norris: — Thanks very much, Mr. Chair. I'll have Deputy Isman just continue down her analysis.

Ms. Isman: — Thank you, Mr. Chair. The Apprenticeship and Trade Certification board recently approved a tuition fee increase for apprentices that was recently announced. The tuition fee is now \$75 a week, which is about in the middle of the pack in the country. Based on the '11-12 data that we have from the other jurisdictions, British Columbia is \$114 a week, Alberta is \$95 a week, and the Northwest Territories and Nova Scotia are \$81 a week.

[20:30]

Mr. Broten: — Thank you for that answer. I would like to move on to another area of questioning now, again something I noticed in *The StarPhoenix* a few weeks ago. Flipping through, I saw that there was an advertisement for a new CEO of Carlton Trail Regional College. Could the minister please provide an update on the situation at Carlton Trail Regional College with respect to the transition from the administrator that had been appointed at one time to the advertising of the position? Please provide a progress update on how things have been normalized since previous estimates times.

Hon. Mr. Norris: — Again, given the kind of the level of administrative detail, I'll ask Deputy Isman to comment on this.

Ms. Isman: — Thank you, Mr. Chair. So maybe I'll start last summer, the summer of 2011. The Saskatchewan Education Leadership Unit, which we usually refer to as SELU, conducted a search for an administrator of Carlton Trail Regional College. And at that time Dr. Bill Cooke was hired as a result of that process and he took that office August 11 of 2011.

Subsequent to that, the new board was established for Carlton Trail Regional College over the summer months. We led an open board recruitment process through that period of time. There was a four-member evaluation committee that included ministry staff as well as a representative from the Saskatchewan Education Leadership Unit from the University of Saskatchewan. And based on the results of that work and those processes, five individuals were then appointed to the Carlton Trail Regional College board as of September 29th, 2011.

Once the board was established, they then took it upon themselves to appoint Dr. Cooke as the interim CEO of Carlton Trail Regional College for a one-year term, so through to the fall of potentially 2012. The board has subsequently initiated a search for the permanent CEO as you just identified, and SELU has been contracted by the board of Carlton Trail to conduct that search. The applications for the new CEO position closed May 4th, 2012. Interviews are scheduled for early in June, based on the most recent updates that we've had from the college, and those interviews as well, besides being done by the board, will be supported by SELU through that process. And the interim CEO will continue to provide those services until a new CEO is actually in place.

Mr. Broten: — Thank you. With the new board, I guess looking back to the previous board, a lot of the problems occurred with respect to having a board that was quite partisan in nature. Is the ministry confident that the existing board is non-partisan in its composition?

Hon. Mr. Norris: — Thanks very much for this question. Certainly along the way I've learned a lot about the significance of governance and I'm very, very pleased with the work of the ministry. I think the efforts that have been put forward are very significant. I'll just highlight them a little bit.

I'll simply start by directly answering your question. We are unaware of partisan affiliations of the board. And I'll spell out the steps we've taken to try to ensure that merit is the primary foundation of the board members.

A call of expression of interest for Carlton Trail board members was placed on the ministry's website as well as in *The StarPhoenix* and the *Leader-Post* as well as in weeklies, sorry, weekly newspapers across that region. That was significant because the region of course, through legislation, has to be the home of where members of the board actually reside. At that point a four-member evaluation committee made up of ministry staff and a representative from the Saskatchewan Educational Leadership Unit, or as the deputy has said what we refer to as SELU, from the University of Saskatchewan was then established. This evaluation committee assessed the respective applicants within a competency matrix and developed a recommendation for a well-rounded board with members that best met the range of competencies that were desired or required. And then, based on this recommendation, five

individuals were selected to be appointed to the board. And that was as of September 29th, 2011. Since that time, and not in isolation, we have worked to ensure that board members from across the post-secondary system have had opportunities to undertake governance and professional development training, and that'll be an ongoing process.

So directly to your question, I'm not aware of any partisan affiliation. And again I'm pleased with the steps that the ministry has taken in conjunction with partners here. And as I've said, I've certainly learned a lot through this process about the significance of governance.

Mr. Broten: — Thank you very much. In looking at the past few years at Carlton Trail Regional College and St. Peter's, does the ministry have a final tally for how much the additional efforts have cost with respect to investigations and reports and reviews and administrators? What is the final tally outside of what would be the normal operation of Carlton Trail Regional College? What is the final additional tally based on the experience of the last few years?

Hon. Mr. Norris: — The additional cost was \$415,000.

Mr. Broten: — Could the minister please break down that \$415,000? I just want to ensure that I can cross-reference it with my own records and make sure we're on the same page, please.

Hon. Mr. Norris: — Certainly. The additional cost for the administrator was \$145,000. A special audit of St. Peter's College undertaken by KPMG was 73,500. And then the forensic audit that was undertaken by MNP was just over \$196,000.

[20:45]

Mr. Broten: — Thank you very much for that response. Connected to this issue also, as I recall, was the issue of the relationship of St. Peter's College and funding that was flowing to St. Peter's College and then special conditions of involvement and oversight by the University of Saskatchewan, as I recall. Could the minister please update the committee on that relationship, how it is functioning and for what duration of time might we expect this structure, please?

Ms. Isman: — Thank you, Mr. Chair. So with regard to St. Peter's College, in October of 2011 there was a memorandum of understanding signed between the ministry, the University of Saskatchewan, and St. Peter's College that was basically an enabling memorandum of understanding to set the stage for the University of Saskatchewan to take on the financial oversight role for St. Peter's College. Specifically then a funding agreement was then established between the University of Saskatchewan and St. Peter's College and the terms, the length of that funding agreement is effective December 1st, 2011 and continues on until March 31st of 2013. Specifically what that allows it to do is that all public funding to St. Peter's College is then authorized and disbursed by the University of Saskatchewan under the terms of that funding agreement. There is also an administrative agreement also between the University of Saskatchewan and SPC [St. Peter's College] that also runs until March 31 of 2013.

In addition to the work that the U of S [University of Saskatchewan] is doing in support of financial management with regard to public funding, they are also providing governance support to strengthen and build capacity with regard to the governance structure at SPC. And they have used the services of Johnson-Shoyama Graduate School to provide those services to build the governance capacity as well and to make modification recommendations to the board.

Mr. Broten: — Thank you very much for that response. Concerning Mr. Kobussen, two questions: (1) has the minister or the ministry had any recent contact with Mr. Kobussen; and (2) was there at any point any severance or expenses related to his departure paid out by the ministry, please?

Hon. Mr. Norris: — The answer is no to both questions.

Mr. Broten: — Thank you very much. On the topic of regional colleges, about a couple months ago, I guess the ministry received it on March 13th, I submitted a freedom of information and protection of privacy request to the ministry. The number that it was given is AEEI10/2011G, and the FOI [freedom of information] request stated:

Any and all documents, emails, letters, correspondence, memos, and reports related to the construction project at the Great Plains College in Swift Current, which received funding through the knowledge infrastructure program, including but not limited to all documents related to the tendering process and any concerns or complaints received about the construction between January 1, 2009 and March 1, 2012.

I haven't received a reply. There was the extension letter that was given that our caucus office received on April 12th. When might I receive a response to the FOI request, number one? And, number two, does the minister at this time wish to make any comment about the content of the request that I submitted?

Hon. Mr. Norris: — Thanks very much, Mr. Chair, for this question. Consistent with the Act, I have no knowledge other than what has just been offered in this committee of the request or the author of the request or the contents of the request. And I think that's consistent with the provisions of the Act. With that being said, I am happy to turn to the deputy, Deputy Isman, to talk about process from here. But this is news to me.

Ms. Isman: — Thank you, Mr. Chair. So I am the access officer for the ministry and then work collaboratively with the privacy officer inside the ministry. And our general protocols with regard to freedom of information requests is that we actually don't share who the applicant is to anyone else other than the two individuals that are actively engaged in the review of the file. But as you know, it was due to the number of files that we found that then needed to be reviewed, in terms of then what would be released, that we asked for the 30-day extension allowable under the legislation.

And we are working as expeditiously as possible. I've received the materials now from the privacy officer to me for my final review earlier this week, and so now I will work as quickly as I can to go through those documents against the provisions of the Act and have a response to you as quickly as we possibly can,

within the time frame allowed.

Mr. Broten: — Thank you very much for that response. So it's expected that within . . . Will another 30-day extension be requested, be made or will it likely . . . [inaudible] . . . by the 13th?

Ms. Isman: — No. Our intentions will be to meet the initial extension timelines and to have the response to you.

Mr. Broten: — Thank you very much. Moving now, let's talk about immigration for a while.

Maybe we'll start off in an issue not directly related to the hot topic of the day, which is the immigrant nominee program. But it was another issue, and I actually wrote the Minister Responsible for SGI [Saskatchewan Government Insurance] one or two weeks ago about this and I copied the minister for his information because it has quite a bit of relevance to the new Canadian community within the province.

And I was contacted by a number of individuals from one community and these people, these individuals before had lived in Ontario before they came to Saskatchewan. And well they did come because of the immigrant nominee program, but that's an aside. What they shared with me was in other provincial jurisdictions when it comes to driver exams, there is the ability to complete those exams in an individual's mother language, mother tongue, and not solely in English. And I went to, I believe it was an Ontario website where they listed, you know, a dozen languages from Croatian to Punjabi to Urdu, you know, sort of the whole range, and which locations exams could occur for driver exams in different languages. And these community members approached me and wondered about the possibility of something like that occurring in Saskatchewan.

Of course there are different language requirements for work permits and for different occupations, but sometimes language can be a barrier for things like exams. So the individuals might have the technical knowledge of how to pass but there might be a language barrier. And what these individuals expressed to me was a willingness on their part to do fundraising within their community if there were additional costs associated with it or translation, for whatever the red tape requirements might be for this. So they are very much willing, not asking for a free ride but just asking for accommodation to help certain members of their community more fully participate either economically or socially by having a driver's licence.

[21:00]

So I realize this is more of an SGI topic than immigration but it has, I would think, considerable overlap and relevance. Has this issue been brought up to the minister by groups, and is it something that the minister might be willing to support and help advocate with SGI or the minister or whatever individuals need to be spoken with or to in order to see if it's a possibility?

Hon. Mr. Norris: — Yes. This has come up from time to time in the past. In fact we've got a good working relationship with SGI on this. From our own website we offer this: SGI approved interpreters may assist with translation of written tests. And all we say is, to find a certified interpreter, contact SGI or the

regional newcomer gateway. That's one of the reasons that, you know, these services are available through the gateway. So I mean the spirit is one where . . . I think we've done that with maybe some from the Ukrainian community in the past, and certainly it's consistent with these requests. So it's just simply a matter of working through the newcomer gateways, contacting the ministry. And certainly as I say, from time to time, my office have been contacted, and I don't think it's been much of an issue in the past.

Mr. Broten: — Thank you for that response. So staying with the topic of immigration, looking at a *StarPhoenix* story from April 20th, and the title is “Province wants Ottawa to allow more immigrants.” And in that piece which was published — I have the online version here — there's a quote from Minister Kenney, and the quote says:

“Certainly, Premier (Brad) Wall and minister Norris have strongly advocated for that and we take their perspective very seriously,” he said. “Our first priority is to address some of the weaknesses in the provincial nominee program.”

And it was with respect to a quote you had provided where you said, “We're capped at about 4,000 right now. What we've said is we'd like 6,000.” Could the minister please elaborate on some of the weaknesses identified by the federal minister on this issue, please?

Hon. Mr. Norris: — I'll just ask for clarification. There was a subsequent *StarPhoenix* editorial. Are you asking specifically during that visit or more broadly?

Mr. Broten: — More broadly. I don't have that specific editorial in front of me. More broadly, when the federal minister talks about weaknesses in the program that need to be addressed in order to have Saskatchewan's numbers bumped. What are those weaknesses that the federal minister identifies?

Hon. Mr. Norris: — Thanks very much for the question. It's obviously important for us to take into consideration a number of factors when we think about areas to improve the SINP [Saskatchewan immigrant nominee program] and, more broadly, immigration in Saskatchewan because we approach this with an eye of and a commitment to continuous improvement. We've made more than 10 fundamental changes to immigration since having the honour of being elected in 2007. These changes have helped to move Saskatchewan from a laggard to a leader in immigration in the country. And I'll simply quote Minister Kenney, I believe from that same article. It's *The StarPhoenix*, Jason Warick, April 12th: “Kenney lauded the work of the Saskatchewan government.” He goes on to say, “Kenney said there is an ‘economic revolution’ occurring in the province, in part due to the improved immigration policies of both levels of government. ‘It is great to see this province humming with energy.’”

We have certainly been attentive to the direction of the federal government because immigration, quite simply and importantly, people need to know that section 95 of the Canadian Constitution offers concurrent powers or shared powers. It's the reason that we have ministers of Immigration both federally and provincially. It's part of the Canadian DNA. So within the

current context of keeping an eye on improving the system, obviously we're attentive to the overall orientation of Ottawa. We're also attentive to factors and forces within our province as well as those outside of our province, so for example we know there's improvements to be made and we're acting on these in areas of the entrepreneurship stream. This has been very, very successful in the last few years.

[21:15]

We've put a special emphasis on that and I think we can demonstrate where successes come, but there's more to do. Certainly in the family stream, what I will call the family referral category, there is some significant progress that has been made but some real improvements that also need to be undertaken. In the student stream, there are more improvements for us to continue to build upon. We've undertaken some very significant steps especially over the course of the last year that we've been able to demonstrate some significant momentum.

Regarding the skilled worker category, I think it's safe to say that, you know, these are increasingly important. And then during Minister Kenney's visit — that was back in early April — we certainly have seen over the course of some time some needs on the refinements of language. So those are areas where again, through our own diligence, through forces and factors that we've picked up on within the province as well as forces and factors outside the province, and then given the orientation and expectations of Ottawa, I think these are some of the key areas.

One of the things that we're doing is that we are moving on an additional round of consultations on what will be a forthcoming foreign worker protection piece of legislation that's going to help ensure that foreign nationals living in Saskatchewan during the recruitment, immigration, and settlement processes are better protected. These are based on some best practices that we've seen in other jurisdictions across the country and in fact well beyond. The proposed legislation is also going to benefit Saskatchewan employers by requiring immigration consultants and recruiters to be in good standing in Saskatchewan and that's going to be important.

We've heard directly from small- and medium-sized businesses, especially where there needs to be a greater level of accountability within the sector. Certainly not all, in fact most provide very good service, but there needs to be some tightening up. So we're going to be working in co-operation with industry, with employers, with newcomers, and we're going to be developing a registry of approved consultants and recruiters that employers can easily access. And that's directly from listening to both newcomers as well as the employers.

We want employers and newcomers alike to better understand the rules, the roles, the rights, the responsibilities of enhancing foreign worker protection and, you know, to the greatest extent that I can, I want to eliminate the bad apples, candidly, mostly from outside the province, from taking advantage of our newcomers as well as our employers. So that's number one. We need greater legislative protections, and that fits in more broadly to skilled workers, but it fits into I think the kind of broader perspective and spirit of Saskatchewan being a welcoming environment and an environment with greater

certainty.

Secondly we're putting a greater priority on the review and nomination of skilled worker applications to better address the growing needs of Saskatchewan's economy. And that's really important to us because the SINP falls within an envelope of an economic stream in Ottawa, and it's really important for us to be mindful of that. Ottawa has other streams and, for example, the family reunification class that Ottawa's recently made some changes to and improvements to. So we need to continue to focus on that. That's not going to be the only factor, but it's going to be a predominant factor as we continue to move forward. It is many other things for many people, but the SINP is an economic instrument that is meant to help foster and fuel growth in the economy and help to revitalize our communities. And certainly we've heard directly from employers as well from our federal partners.

Next we need to see some improvements in the family referral category, and out of this category, nominees are now going to require a job offer to more effectively connect high-skilled applicants to high-skilled positions. And I'll quote Minister Kenney. It is important that provincial nominee programs fully align with this, that is Ottawa's transformational agenda, by focusing on recruitment based solely on labour market needs. So we've received that direction very clearly.

In addition, a supporting Saskatchewan family will be limited to supporting one application per household until the principal applicant and his or her immediate family — and so that's important; we're still focusing on families — have successfully settled in Saskatchewan. This is important for a few reasons. First it protects our provincial nominee program from outsiders. It protects them from outsiders that want to come in quickly and really leave without a trace and abuse our system.

Recently CBC [Canadian Broadcasting Corporation] ran a very good program on a number of families that were purported to be looking at Saskatchewan from another jurisdiction with the sole goal of taking advantage of the Saskatchewan family category. And that was never the intention — essentially come in, be here long enough to meet the requirements, and then leave. And that was never the intention of the SINP. So we need to make sure we're very attentive, and we're taking steps to make sure that doesn't happen. And that's one of the reasons now we're looking at the family referrals. Families can still be referred, but it's one at a time.

The second piece here is a greater fairness for families right here in Saskatchewan. We've had some families that have looked to nominate a dozen or more concurrently, all at once, while others haven't had a chance to really even nominate one. So one at a time is going to provide more opportunities for more families, and that just makes sense. And we're obviously working to ensure that we're protecting the integrity and transparency of the program. Quite simply, we need to make sure that we improve the family class program.

Not everyone is on board with this. There are some different suggestions. On the one hand, we've had a paper in Saskatoon that says, they're raising questions why the province still retains a family category in its nominee program, questioning the very existence of it. On the other hand, and the member may be

familiar with this one, we have some groups that are suggesting that the changes are unfair and unnecessary. And nothing could be further from the truth.

So we've got those that say, just abolish it and those that say no, you have to maintain it. Well we can't maintain an unsustainable status quo, and we don't want to see it abolished. So because of abuses from outside the province, because of a lack of fairness within the province, and because our federal partners are enhancing our national immigration system, the status quo is just not an option. Either we improve the integrity and fairness of the family referral system and we connect this category more closely with the economy or, quite simply, we risk losing it. And what we want to do is make sure that some of the best attributes of Saskatchewan that we all know, that these are allowed to continue.

And we can think about a dialogue between neighbours that might go something like this: You know, I'm looking for a heavy duty mechanic; do you know of one? And the answer might be, yes I do. And that conversation has gone for a long time in Saskatchewan, or conversations like it. What we've said is, let's see if we can lock in about 25 per cent of our provincial nominee program to that, connected to families, connected to the economy with conversations that have gone on for decades in this province. But now our contacts and our networks are global. So why not be able to use those family contacts and connections to help ensure there's opportunities, economic opportunities for newcomers, and at the same time, allow family members to come together?

Importantly, as I've said, the federal government has a family reunification category. And so while some have specific questions . . . And we have some figures on the questions that have been raised. As of yesterday, there were about 920 questions that have come through telephone and some other means. Overwhelmingly those have been through the student category. Overwhelmingly those have been questions from Ontario.

Today we've had some more, I think probably in the last 24 hours maybe another, I don't know, 150, 200 — 200. And we've had . . . Many of those have been on the family class category. Many have been completely outside the province. People have self-declared. They've said actually, we wanted to come in explicitly because we could drop in and come and get our family members sooner. We understand that. That was never the intention of the SINP family class category. It is fostered and facilitated through the federal family reunification stream. And these are some of the things that we've put forward.

We think we're on the right track. I recently met with Minister Kenney and he's indicated publicly that he feels we're on the right track. We've made a couple of other changes.

We've tightened up on the student category. No real consequences or effects for students graduating from post-secondary institutions within Saskatchewan. That still holds. We've made some improvements there. But certainly for students graduating from post-secondary institutions outside of the province, we're now going to require one year of full-time, permanent employment experience in the province before they

have access to the program. And this will ensure that out-of-province graduates attach to the labour market and are more likely to settle permanently in Saskatchewan.

What's happening, candidly, we've picked up on this; the federal government's picked up on this — again a lot of information goes back and forth — we've seen a very significant jump in our student category. We've paid some attention to it. What we have are students that are applying to multi-year programs in other provinces. They're skipping class and they're coming to Saskatchewan. And again the integrity of the system and for the well-being of those students in the long run — because we know how important the education component is — we need to make sure we've tightened that up, and we think that makes sense for the students and certainly it makes sense for the integrity of our system.

As well finally, the applicants on the entrepreneur category are now going to be, have some additional requirements on the net worth side and something called the providence of funds, that is where they got those funds. The legitimacy of those funds are going to be verified by an independent third party. We're going to be working collaboratively with the private sector. We've run some pilots on this. It works very effectively. It's a great way of maximizing our government resources while drawing on global financial networks that are available only in the private sector. And we've been able to do that. We're going to do more of this and the change is being made to increase the quality of the applications.

Give you a quick example. Between the late 1990s and 2007, there were not 40 successful entrepreneurship applications — not 40. We set a goal and a target of 250 per year. We've met that. That's led to about \$100 million coming into the province legitimately. We've seen the creation of about 400 new jobs as a result of those dollars coming in. And what's happened now is we have a category that didn't have 40 for almost a decade. Right now we have an interest that would range in about 1,000, but the problem is kind of the wheat/chaff ratio.

[21:30]

So we need to continually improve our systems to make sure that it's not simply a matter of incomplete applications. It's not simply a matter of inaccurate applications. Candidly, that there are some bogus applications. We're not spending undue time on those. So we're going to be working with the private sector again and that's proven to be very, very effective in the past.

These are some of the changes that I think are going to allow us to continue to focus on a commitment we have and that is building the best provincial nominee program in the country. It's not the biggest and we're not there yet by any means, but I think we've been recognized over the course of the last five years as taking immigration very seriously, of going . . . And I'll go back to this article that you've quoted from Minister Kenney, *StarPhoenix*.

This is April 12th and again this is talking about the speech that he gave. He says when we think about the changes that have come about — quote from the article:

It's also helped spread out the immigrant population as

more and more people have been choosing to settle outside traditionally popular provinces like Ontario and British Columbia. An economic boom in Saskatchewan, for example, has seen the program grow to 5,354 immigrants in 2010 compared to 173 in 2003.

It just gives everyone a sense of the scope and scale. I anticipate this year we have a cap of 4,000 that has been imposed. You've made reference to that. We think we can handle more. We're pushing for more. It's one of the reasons that we're working very closely with Ottawa and other partners, but we see that 4,000 is going to equal about 12,000 to 12,500 people and the way that works is families are going to keep coming into Saskatchewan. Families are included in the SINP. We have a cap of 4,000 principal applicants. They come with their families and we're going to continue to anticipate that that's going to be the case. Certainly that's within the ballpark. Last year the provincial population grew by 17,000 people or thereabouts and between 10 and 11,000 of those came in from other countries, the majority of which came in through the SINP. So it gives you a snapshot.

We're going to continue as we have since day one. We've made changes in recruitment. We've made changes in processing. We've made changes in settlement. We've made changes in integrity. We've set up a program integrity unit, and this is really important. The program integrity unit that we set up, there was nothing like it before in the province. We've now undertaken about 300 investigations since it was set up, and I'm able to report — sad to report, but I'm able to report — that there has been a marked increase, year over year, of fraud. And that notion of fraud and falsehood has to be addressed.

We need to protect the integrity of the SINP. That's in keeping with that partnership that we have with Ottawa. It's also, frankly . . . And we've heard from a lot of newcomers. It's also, frankly, in keeping with a lot of newcomers that have come into Saskatchewan playing by the rules. They've come in, they've played by the rules, and now they see some very real threat.

So those are some of the things that we heard from Ottawa, that we've also picked up here, that we're tracking, that we're working to fix. And these improvements are going to help I think secure the family class category and secure the SINP into the future and, while doing so, help meet some of the labour market needs and revitalize communities right across the province.

Mr. Broten: — Thank you, Mr. Chair. I realize our time has pretty much elapsed so I'll ask one sort of final question. And even though we're over the hour, I appreciate the minister's willingness to answer it given that he gave that thorough answer there.

The family class is so very important because of the roots that are established. And while the roots may at first appearance be social, they most certainly lead and grow to economic roots that are established here in the province, at least based on my experience and interaction that I've had in meeting individuals who have come here. Over the past years, I've met many individuals who came to Saskatchewan to specifically take advantage, not take advantage but to respond to the call of coming to Saskatchewan and how their families might in fact be

able to grow here in Canada through the family class. I think it has been very effective, based on written questions that the minister provided.

At the end of '11-12 fiscal year, for example, there were 3,476 in the family class or sort of in the hopper, already being worked on. And combined with that, the average processing time was 8.3 months, which I could spend a whole evening asking a separate line of questions about that, because I know based in my experience in interacting with some people, it certainly has been significantly greater than the 8.3, but I'm not calling into question the methodology of the calculation there.

But the family class has been effective in bringing people here on a social basis and then contributing financially. I know many of the families that I've met with, individuals working so incredibly hard, coming through the family class and starting a business and working another job on the side and buying houses, whether it'd be in old areas or in Stonebridge or Hampton Village, and from a variety of ethnic backgrounds as well, whether it'd be Filipino or South Asian. So we have seen uptake. I know in the last few . . . And uptake because the opportunity is there, but I think also because of the social roots and the supports that are allowed and the ability of the families to work together and have more success in a new place.

With many of the individuals I've spoken to, my experience hasn't been the family bringing in 20 people. I'm not suggesting that those situations have existed in some places, but my experience has been more with a niece and a nephew or a brother and a sister. It hasn't been huge groups, but it's been one to five in terms of the plans over a family. So I mean, it'd be interesting also to get sort of a breakdown of how many are really in the 20-person category and how many are in the one to three.

And I know many of these people that I've spoken to recently or who have come to me and spoken with their concerns is that the lack of consultation on this and the move to go to simply one at a time, only one at a time, and then also tying it directly to also the job offer aspect as opposed to coming, arriving, and getting settled for a couple of months, using networks to find employment, it doesn't take away the fact that the individuals are still in that highly skilled category and had the language requirements. So capable people as determined by the program and vetted by the program.

But many of these people, what I've really sensed in the last few days is I think almost a sense of betrayal where they came to Saskatchewan expecting the rules to operate in such a way. And I think of one individual sold a business in Ontario, came to Saskatchewan, opened a business, also working another job on the side, wanting to sponsor, I believe it was two siblings. And the delay and the length of time, because 8.3 months, that might be, for many it's not that short and for others, when you take into the factor of once the application's approved, then it going overseas to another embassy and going through another whole set of bureaucratic immigration, red tape, it's not 8.3 months. It's much longer. And the real shock and disappointment that these families are experiencing in the last few days since this change to the family class has occurred.

One individual told me a story about he was planning on

sponsoring two people, and the one person had gone through pretty much all the steps; the last one was the financial amount. And the individual had just sold his home overseas in order to have the appropriate amounts of finances to travel. And this person in Canada, in Saskatchewan, didn't know how he was going to break it to the two siblings overseas with respect to who was going to come first or who could potentially come first, knowing that it could be 17, 18, 20-plus months for the process.

So my question is, did the minister consider options beyond going down to one? If 20 is the issue that the minister has used to in many instances justify why this action needed to occur, were there considerations made that maybe it could be a cap of five concurrent at one time? Was that one consideration perhaps? And the connected question to that, what does the minister have to say to the families that have expressed to me sort of this sense of betrayal and true disappointment and a feeling that their life in many ways has been turned upside down? What does he have to say to those people? I appreciate the minister for allowing me to ask this question beyond the allotted hours, and with that I'll give the floor back to the Chair.

The Chair: — Thank you. Did you want to comment on that?

Hon. Mr. Norris: — Sure. Happy to do that and happy to spend some time. You know, it's one of the reasons, when we have such remarkable stories that we have from families, it's one of the reasons that I'm rolling up my sleeves and I'm fighting so hard to keep the family class category. I'm sure the members saw *The StarPhoenix* editorial that said, just get rid of it. And there are other factors and forces. So we know how important it is. That being said, we also need to be, you know, sensitive to some of the changes that Ottawa continues to make.

So to answer your question directly — and I welcome the member referring individuals to me, to the ministry, to make sure — the SINP is not the only instrument for family reunification. In fact it's not the primary instrument in our country. The primary instrument for family reunification is actually a federal class, and appropriately so. So the first thing I'd say to those individuals is to have a look at the SINP, have a look at the family class categories — it still exists; it's still here — but also look at the family reunification envelope that's there that Ottawa has.

This is not about rejecting families. This is about making sure that we're able to meet some of expectations and goals and objectives associated with this public policy instrument. It's not shutting it down; it's simply to say this is a way that we can sustain the family class and here are some other options for families. You make specific reference to people staying in Saskatchewan; we have a very successful retention rate. We want to work to keep that.

The cases of fraud in this province through the SINP system have jumped in one year by 142 per cent. They are dramatic. This is not simply tracked by the province; it's tracked by Ottawa. Steps had to be taken to help ensure the sustainability and integrity of our program. A lot of these were coming through the family class categories. Not every one by any means, just statistically it was ramping up, so we needed to take some steps.

When you ask about the length of time it takes for individuals, it often matters and depends on where they're from. So I have gone before hundreds from some communities and I've spoken about the conditions in their countries and I've spoken about how heartbreaking those conditions are. And we, as a government, when natural disasters have hit some of those countries, we've actually responded with dollars and care and concern. But one of the things that we also have to do is then draw on that broader perspective to say there are other streams, there are other streams on the federal side where these individuals can and sometimes ought to be applying through. So that's what I'd tell them.

[21:45]

And I'm having many conversations. We're having . . . Actually I would say it's mixed. We're having a lot of support. A lot of people are coming and saying, yes, actually there were some things happening in our community; there were some things that were kind of questionable. As Saskatchewan has gained a global reputation over the course of the last five years, you probably needed to tighten things up. So I've heard from both and will continue to, and we'll continue to engage that dialogue because it's a really important one.

What I can say is we have more newcomers in Saskatchewan now than we've had in the course of the last 100 years. When we see and we're able to quote from *The StarPhoenix* the figure 173 applicants in 2003 to more than 5,354 in 2010, it gives you a sense of the scope and scale.

Other provinces have actually abandoned their family class category. What we're trying to do is see if we can keep it, promise to work for it, asking the help of newcomer communities as I did yesterday at the Saskatoon Open Door Society, to say, let's roll up our sleeves and let's make this work for everyone. Because it's under this government that the population's grown. It's under this government that immigration's been made a priority. It's under this government that we're seeing communities across the province, people from 180 different countries are now living in 325 communities across the province.

This isn't just about Saskatoon and Regina. This is about the revitalization of communities, communities like Estevan, communities — Lloydminster, Swift Current, Prince Albert. If I use Estevan, then of course I'd better say Weyburn. We need some balance there. Right across this province. So I think the track record's rock solid. I don't think that these changes need be disturbing. In fact I hope that they are interpreted as the required improvements that will sustain our provincial nominee program. And anyone that doubts that, that it's fix the family class category or lose it, then I would simply say they need to be far more attentive to Minister Kenney's direction and some of the scenarios and factors and forces that we've picked up here. We don't make these changes lightly. These are part of our continuous improvements. We make them to help sustain a very, very powerful instrument that is helping to revitalize the new Saskatchewan.

So I appreciate your question, and we can keep kind of going, you know, like this because I think it's very fruitful. But we didn't come to these lightly.

One last piece. You asked about consultations. You asked about giving people notice. We made these changes at the close of business on May 1st. And we had do it like that because if you were to foreshadow that changes were coming, we would have seen the system swamped, quite literally. We looked at a variety of options. We weighed a variety of considerations about how to do this, about timing. But because we were the first province in the country to have online-read applications, that's a powerful tool. It's a powerful instrument.

But we actually then needed to control that. So we quite literally, over the course of a little more than 12 hours, we actually changed the website. We actually had it ready to go. We stood it up and we did that purposely. It was the end of business on one day, and the next day these were up and operational because there was no way to ensure that we could actually handle the influx. That's how closely attuned the world is watching and paying attention to what's going on in Saskatchewan.

It's great. We're pleased with it, you know. But in this case, this was a scenario that after much deliberation — and we didn't take this lightly either — it was the way that we could move forward and sustain the integrity of our online system and the system more generally.

The Chair: — Thank you very much. Before we move into Bill 42, do you have to change staff at all?

Hon. Mr. Norris: — No. We'll probably just mix it up here a little bit, but we're good to go, Mr. Chair.

The Chair: — Okay. We'll have just a quick five-minute break. Just one moment. Mr. Broten has a comment.

Mr. Broten: — Just before we move into the Bill, since we're concluding the estimates portion for AEE [Advanced Education and Employment], I'd like to thank the officials for the long hours here and for the assistance with responses, and thank committee members. Thank you, Mr. Chair.

The Chair: — Thank you. Five-minute break.

[The committee recessed for a period of time.]

Bill No. 42 — *The Graduate Retention Program Amendment Act, 2012*

Clause 1

The Chair: — Thanks, everyone. We will now consider Bill No. 42, *The Graduate Retention Program Amendment Act, 2012*. By practice, the committee normally holds a general debate on clause 1, short title. Mr. Minister, have you any opening remarks?

Hon. Mr. Norris: — Thanks very much, Mr. Chair. I'll keep these very brief. I would just reiterate for those that are joining us anew that I'm joined by my deputy minister, Clare Isman, as well as David Boehm, our assistant deputy minister. Karen Allen is also here, assistant deputy minister is behind me, and some other officials that we'll introduce as required.

I will simply say, on April 24th I had the pleasure of moving the second reading of *The Graduate Retention Program Amendment Act, 2012*. This amendment Act will convert the graduate retention program into a non-refundable income tax credit as well as a separate refundable income tax credit beginning in the 2012 tax year in order to more accurately reflect the manner in which the graduate retention program benefit is actually being utilized. The amendments will also remove the requirement for an individual's social insurance number to appear on the graduate retention program paper certificate. This is to help foster and facilitate greater privacy.

Mr. Chair, I provided the House with an overview of the amendments to the GRP [graduate retention program] Act as part of the second reading — or graduate retention program Act. I'm happy to welcome any questions on these proposed amendments.

The Chair: — Thank you very much. And, Mr. Broten, you have the floor.

Mr. Broten: — Thank you very much, Mr. Chair. In the minister's second reading speech and I think he briefly mentioned it now in his introductory remarks, he said these changes are occurring in order to better reflect the way that the program is currently functioning or the way the program is currently providing the benefit. Could the minister just please expand a bit on that and explain how the existing grad retention program and the Act, how it allows for the benefit, and if the legislation has not been there to date to allow it to operate in a certain way, just how that all has worked. A bit more information please.

[22:00]

Hon. Mr. Norris: — Sure, I'm happy to do that. I'll have Deputy Isman just kind of walk through what some of these changes are. I think for clarification I'll just simply begin by saying there's sufficient authority. It's not a matter of authority. What we're seeing are some patterns that we're attentive to. And we just want to highlight some of those patterns as far as those that are benefiting from the graduate retention program. It's a good news story. We have more than 30,000 graduates here within the province of Saskatchewan that are benefiting from this, the most aggressive youth retention program in Canada. What we're happy to do is just simply to kind of walk through. We have three categories of graduates from a socio-economic perspective and we just, we're making these changes because the flow of the benefits actually manifest themselves in kind of three pools. So, Clare, are you ready for that?

Ms. Isman: — Thank you. Thank you, Mr. Chair. So in terms of the administrative experience with regard to the graduate retention program, what we've seen in the four years that it's been in place is about two-thirds of the program benefits have actually been used to reduce income taxes otherwise payable, and the remainder's been provided as an actual refund to graduates. So based on the four years experience, that's what we've actually seen.

A Member: — So that would be the first category.

Ms. Isman: — Right. So by converting the GRP [graduate retention program] into a non-refundable income tax credit and a separate refundable tax credit, it actually better reflects how the GRP's been utilized over the past four years. By now reflecting that two-thirds or what we anticipate to be a continuing two-thirds simply is a reduction to taxes payable and thus a non-refundable income tax credit, with the remainder being paid out in the form of a refund, the refundable portion of the grant, so it allows us to then demonstrate that we're administering the program in the same way it's being utilized.

Hon. Mr. Norris: — I'll actually just highlight the three categories. So it's about two-thirds that are seeing the benefits on the tax side. Then I think we're dealing, if it's about 60 per cent, then about 30 per cent are getting a combination of kind of the tax credits and then some cash, and then about 10 per cent are benefiting from the cash. And so what we're really doing is making sure that it's more accurately reflected. Is that, are the numbers about right, Clare?

Ms. Isman: — Yes. Thank you, Mr. Chair. Those numbers are approximately correct and I think it's, as you say, it's leaving the program basically intact but reflecting where it's solely an income tax credit reflected as an income tax credit; where it actually is both, reflected as both an income tax credit and a refund; and for those where it's solely a refund, reflect that completely as a refund as well.

Mr. Broten: — So the amendment here is really to set up the structure and . . . Well one, to have the right labelling of the program and the type of benefit that is provided to graduates. That's the first. Then as the second benefit, primarily to allow for better planning from a budgetary perspective for the ministry. Is that part of the rationale?

Hon. Mr. Norris: — Yes. On the first part of the question, I mean essentially and I think simply it is to see where, you know, again about 60 per cent are just simply seeing this as a tax credit. And it's the hybrid piece — those individuals, early in their careers, they're paying a little bit of tax and they're getting a little bit of cash. And that's been interesting to see the evolution as their careers evolve. And then those that directly benefit at about 10 per cent from just straight cash. So yes, I think the name reflects what's actually going on.

And quite simply, you know, on the budgeting side, we want to make sure that we are accurately conveying for budgeting purposes but also for accounting purposes, what those dollars actually look like, what the flow of dollars actually look like. So there's some housekeeping to this too.

Mr. Broten: — Thank you. For the benefit . . . Actually looking at the estimates, I know we just discussed estimates, but specifically on the grad retention program line, the change last year's budget was 23.1 million and this year it's marked as 17 million so it's a decrease there of a significant amount — 6.1, I guess it is. Is this reduction tied to changes in this program or is the reduction from year to year just a reflection of projected uptake? Or not uptake but benefit.

Hon. Mr. Norris: — This is simply and solely a reflection in this change. In fact the program utilization is actually on the way up. And so tax credits — and I'll get Deputy Isman to walk

through this — tax credits are actually recorded and accounted for differently than the actual cash benefits. So, Clare, what we will do is just walk through that.

Ms. Isman: — Thank you, Mr. Chair. So yes, the changes then reflect actually what is truly an expense in the ministry budget by way of an expenditure of the refund portion of the program. So as a result of that, that's what accommodated and allowed for the reduction of the \$6.1 million, is that the rest of that is all being utilized as a non-refundable tax credit, which is how it was previously being administered. And this allows us now to reflect the remaining approximate one-third that is actually paid out in the form of a refundable tax credit to students. And the other payments are then a net reduction to income taxes otherwise payable in the Ministry of Finance budget.

Mr. Broten: — Okay. That was basically my next question. So I remember when the change went from a grad tax exemption program that the NDP [New Democratic Party] had to the tuition rebate or the grad retention program, there was a plan, and I remember sitting in committee and talking about the rollout over years and how the financial obligation would build over years as more people were drawing upon the program.

So the amount in the estimates for the grad retention program in this year related to this legislative change is projected to be 17 million. So just to be clear, that represents, out of the minister's breakdown of 60 per cent, 30 per cent, 10 per cent, that 17 million would account for the 10 per cent that receive it in cash as more or less a rebate on tuition and then also a portion of that 30 per cent folks who receive part of a rebate in tuition and part in a reduction in taxes who aren't yet earning enough to fully receive it on the income tax side. Is that correct?

Hon. Mr. Norris: — Yes, that's right.

Mr. Broten: — And so for the difference, I guess there's a greater cost to government, but the amount for that 60 per cent who are paying enough income tax or earning enough to pay income tax, that would be more a concern for the Ministry of Finance with respect to their projections for taxation revenue. Correct?

Hon. Mr. Norris: — I'll get Deputy Isman to speak a little about what that looks like for Finance.

Ms. Isman: — Thank you, Mr. Chair. So yes, for '12-13 then, the estimate of the two-thirds of the program benefits to be claimed as an income tax deduction and therefore a reduction to the provincial income tax revenue forecast is approximately \$34.7 million provincial tax expenditure. And then as you note in our budget, the expense line of \$17 million represents that remaining one-third that will be paid out as a refundable income tax credit, with the total cost to the graduate retention program for '12-13 estimated at approximately \$51.7 million overall in terms of the full benefits of the program.

Mr. Broten: — Thank you very much. The breakdown between the two-thirds, one-third, is that in keeping with what the ministry projected for the nature and the financial well-being of the recipients who are benefiting from the program? Does that match up with what the projections were or has it been higher or lower either in a positive or negative way?

Hon. Mr. Norris: — You know, I think probably I would have anticipated the hybrid group to be a little bit larger. I think what we're seeing is quicker acceleration on career paths and, you know, that's reflected . . . We're seeing record average weekly earnings, lowest unemployment rate, 530,000 people working in the province, 425,000 people working full-time — both records. We're making some real progress on First Nations and Métis employment. So you know, I think these indicators are actually kind of being borne out through the data. But based on probably what I was anticipating, I was anticipating probably a little bit larger hybrid group. And what we're seeing is most have swung right through and are kind of maximizing the tax credit component sooner and quicker.

But I think the really important piece here is kind of going into the five-year mark, we have real empirical data now. And that's important for us to be able to kind of mark and measure the progress and I think take it into account and respond accordingly.

Mr. Broten: — Thank you. There isn't the expansion of the program in these amendments to include master's and Ph.D. [Doctor of Philosophy] graduates. Is that correct?

[22:15]

Hon. Mr. Norris: — Well on, you know, on that, what we've seen now at year 5 is that those in graduate programs are in many instances benefiting from the graduate retention program. They've graduated from their undergraduate degrees, and we've expanded the GRP to include any legitimate program from around the world. And so as they choose, as graduates choose to go into graduate programs, master's degree, Ph.D.s, many are actually drawing on the benefits of the graduate retention program. In fact I think you'd see that some of those that are reaping kind of the cash benefits, some of those are going to be students. So I think, you know, and certainly I'm aware of and have met many graduate students that are actually benefiting from the graduate retention program. The benefits accrue to them as they're going through their graduate programs.

Mr. Broten: — Thank you. So I believe it's my concluding question. Just to summarize or characterize the amendments coming forward in this, it does not increase or decrease the benefits provided to Saskatchewan graduates. It is more, the changes are more of a technical nature in order to allow the Ministry of Advanced Ed and the Ministry of Finance to better predict what expenses and revenues may be and to better reflect what is the reality of the delivery of the program to date. Would that be a fair summary?

Hon. Mr. Norris: — This may be my shortest answer. Yes.

Mr. Broten: — All right. Well with that, Mr. Chair, that's the end of my questions on this Bill.

The Chair: — Thank you very much. If there are no more questions or comments, we'll proceed with the voting.

Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 6 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 42, *The Graduate Retention Program Amendment Act, 2012*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 42, *The Graduate Retention Program Amendment Act, 2012* without amendment.

Ms. Eagles: — I so move.

The Chair: — Ms. Eagles moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you, one and all. If you have, Mr. Minister, a closing comment?

Hon. Mr. Norris: — Thank you very much, Mr. Chair. To all members of the committee, to those in the ministry that were here earlier for estimates as well as those that have remained for the deliberation of this legislation, to those here from the Legislative Assembly that allow us all to do our work, I want to offer my sincere thanks. It's because of many people's efforts that we're able to undertake the business of the people of the province. So thank you.

Mr. Broten: — Thank you, Mr. Chair. I thanked the minister and the officials earlier, but I failed to thank the legislative staff in the Clerk's office and the good folks at Hansard. I know we kept people busy over the supper hour because of the afternoon activity. So thank you to everyone for a long day.

The Chair: — Thank you, one and all. And I would ask a member to move a motion of adjournment.

Mr. Docherty: — I so move.

The Chair: — Mr. Docherty has moved. All agreed?

Some Hon. Members: — Agreed.

The Chair: — This meeting is now adjourned.

[The committee adjourned at 22:18.]