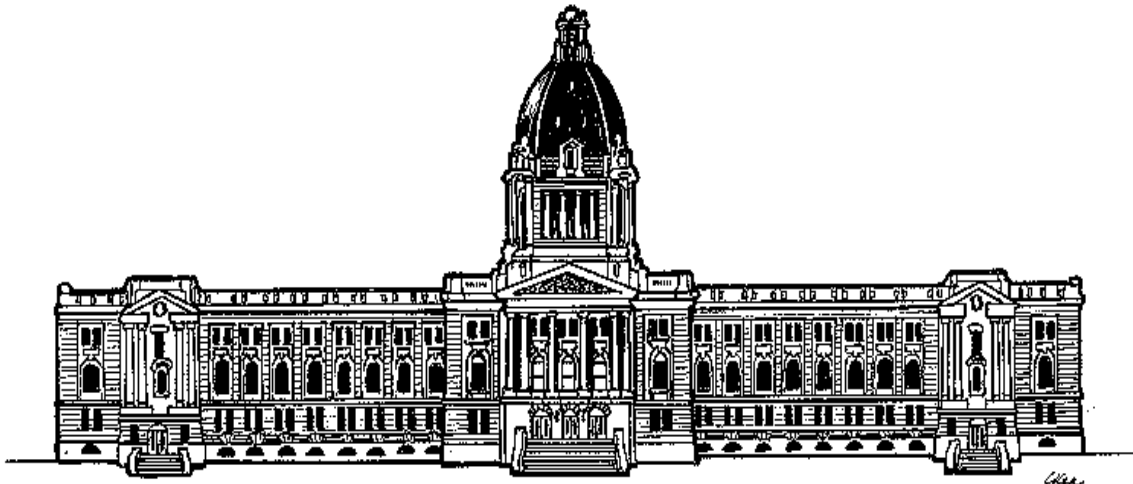




STANDING COMMITTEE ON HUMAN SERVICES

Hansard Verbatim Report

No. 38 – May 6, 2014



Legislative Assembly of Saskatchewan

Twenty-Seventh Legislature

STANDING COMMITTEE ON HUMAN SERVICES

Mr. Delbert Kirsch, Chair
Batoche

Mr. David Forbes, Deputy Chair
Saskatoon Centre

Mr. Mark Docherty
Regina Coronation Park

Mr. Greg Lawrence
Moose Jaw Wakamow

Mr. Paul Merriman
Saskatoon Sutherland

Ms. Laura Ross
Regina Qu'Appelle Valley

Ms. Nadine Wilson
Saskatchewan Rivers

[The committee met at 19:02.]

The Chair: — Good evening, ladies and gentlemen, and welcome to the Standing Committee on Human Services. My name is Delbert Kirsch and I'm Chair of this committee. With us tonight is Mr. David Forbes, Deputy Chair; Mr. Greg Lawrence; Mr. Paul Merriman; Ms. Nadine Wilson; and substitutions we have Mr. Darryl Hickie and Mr. Scott Moe.

The time now being 7:02, we will now resume our consideration of vote 20, Labour Relations and Workplace Safety, subvote (LR01).

**General Revenue Fund
Labour Relations and Workplace Safety
Vote 20**

Subvote (LR01)

The Chair: — Mr. Minister is here with his officials. Would you please introduce who you want to and give your opening comments?

Hon. Mr. Morgan: — Thank you, Mr. Chair. I'm pleased to be here before the committee for the continuation of budget deliberations regarding the 2014-2015 budget of the Ministry of Labour Relations and Workplace Safety.

With me tonight are Mike Carr, deputy minister; Louise Usick, executive director, central services; Greg Tuer, executive director, employment standards; Tareq Al-Zabet, executive director, occupational health and safety; Pat Parenteau, director of policy; Tara Acoose-Barreno, executive assistant to the deputy minister; and Drew Dwernychuk, chief of staff to the minister.

We would be prepared to answer your questions.

The Chair: — Thank you very much. Mr. Forbes, you have questions, so you have the floor.

Mr. Forbes: — Thank you very much, Mr. Chair. Appreciate the minister and his staff being here tonight and the officials. I have a few further questions, and I look forward to the discussion tonight.

One was a follow-up since the last time we met. And you know, it's around Jimmy's law. And I was having a coffee with one of the people that were really involved with it, Darren Kaytor. And as you may remember, he had been robbed twice at late night in a gas station in Saskatoon. And as it happened, the incident has been to court, and there's been apparently at least three convictions out of that. So that's all great, but Darren had to go back and had to go as a witness twice.

And so I was telling him about our discussion last time and that the number of investigations and that, and that I had asked about the incident at Hague and on Idylwyld in Saskatoon. And I showed him the *Hansard* and he was curious about your comments, Minister, where you said, and I quote, "No workers injured in those incidents. They were not investigated as OHS incidents."

So the question is, so how in the case of a robbery or a violent incident, I'm not sure what the terminology of that is, that what is considered to be an injury or what would be considered the process in that place? Because at the time, and thank God there was no blood or anything like that, there was no, you know, in Darren's case, there was no outward sign of a traumatic injury — no blood, no broken bones or anything. But Darren still to this day talks about how he has a hard time sleeping, you know, because both instances . . . One was with a bunch of knives; there were three or four that had weapons. None of them had guns that night, but one night it was a gun, because he'd been robbed twice.

So curious about how does, what is the process then of the injury in a situation like that?

Hon. Mr. Morgan: — Sure. I'll give you a bit of background, and then Tareq may want to correct it or add some more information. So far, unless there's been a report from either the employer or the employee that there's been an injury, we don't investigate those instances. They're treated as a criminal act, so we wouldn't ordinarily investigate it. If somebody had a psychological impact or something like that and sought medical attention because of that, then we would investigate or we would . . . [inaudible] . . . if they made a claim to the Workers' Compensation Board.

Having said that, it would be open to us to investigate those robberies as being a dangerous incident where, for example if a piece of scaffolding tipped over and nobody was hurt on it, the OHS [occupational health and safety] people could investigate it. So far the policy of the ministry is that they don't. And what they're doing is periodic inspections, looking to try and increase the amount of voluntary compliance, working with the Western Convenience Stores Association to try and develop best practices which, as I mentioned before, includes things like visibility, lighting, cash management, signage, panic button, sign-in, sign-outs, that type of thing. And the compliance has been improving. And I'll let Tareq give you the numbers, but it's probably not where it should be.

And I think it'd be a terribly unnerving thing for an employee to go through. As you're aware, your daughter was in a store when there was a robbery took place, so you would certainly know the fear that she would've felt. And I think especially people coming in that may well have been . . . You don't know what weapons they have. You don't know whether they're intoxicated, on drugs, or whatever else. I think for a worker or somebody else that's in the store, it would be a traumatic thing to go through. So naturally it's the type of thing we want to minimize or reduce as we can.

So we're taking steps forward through the compliance, through the inspections. And I guess if it became an issue whether we were getting to the bottom of what was there, we would be able to investigate the robberies and treat them as a dangerous incident and treat those specifically, but we have not yet . . . Tareq, I'll let you go . . .

Mr. Al-Zabet: — So the minister is almost . . . actually correct with what he mentioned. Basically really the whole late-night retailers issue is a preventive one more than a follow-up.

Since we met last time we did 44 inspections, and we're scheduling another 33 in the next couple of weeks. So actually before the end of this summer, we'll cover every single late-night retailer. And due to the complexity of the issue is really, it's like a car thief process. You can't, you know, predict what's going to be the next level or impact of the issue here.

So what we're trying to do is, through the inspections that we did so far, we were not issuing tickets or contravention, we're actually educating those late-night retailers, gas stations, about what they should be doing. And there is a whole policy that is being developed through, across western Canada that we're trying to implement and work with our partners in Alberta and BC [British Columbia] there.

But for the point you mentioned about the person having traumatic, you know, and psychologically impacted, there is the WCB [Workers' Compensation Board] piece. And if for whatever reason this person has been, his job has been compromised because of this incident and he got terminated or so on, he can also submit a claim for discriminatory action within the division and we can also investigate.

But to track cases where there is no injury where a person is injured or went to a hospital. It's going to be almost impossible to cover every case there because it means that we would be going to every point there, and that's . . . [inaudible] . . . it would be impossible.

Mr. Forbes: — No, absolutely. But I do appreciate that. And I guess the main thing right off the bat is to report it and that people look after their own health. And the onus is on both the employee and the employer to have a process to go through so that they have a discussion. The employer to check, maybe it's just a couple . . . You know, whether it's time off or what it is, I'm not sure. But it'd be curious in the, you know . . . You're in the process of developing this right now with the Western Canadian grocers association?

Hon. Mr. Morgan: — It's the Western Canadian convenience stores. And we'll continue to watch it. Right now the target is compliance, and we'll see if that brings the desired effect. And if it doesn't, or as we go along if it's apparent that we're not getting where we need to be, then we would be able to investigate the incidents as a dangerous occurrence. We would be able to change our regulations or change our requirements as to what would be required of an employer to ensure the safety of the workers.

So I guess at this point we're watching. We think it's getting better, but what I think all of us still have concerns about is the high number of armed robberies that continue to take place. So I guess we're, you know, the staff of the ministry will probably be looking to see are those ones that it would be in compliance or aren't, and we'll continue. I'm glad you're asking the questions because it gives the officials some indication of what's important to the public. And I think I share those.

Mr. Forbes: — And it's not a definition, you know, are . . . when I was doing this with Darren and Aaron, it was we were focusing on between midnight and 6, but robberies happen 24 hours a day and that the situations could happen at any time. And so I think this is important work, and unfortunately it's

reality of our society.

But I do encourage you to continue with that, and maybe other if there's best practices from other places that have that kind of potential for, you know, I don't know whether it's banks or, you know, that have those processes already in place. And particularly in terms of their employees who they want to have come back, you know, I mean this is a dangerous thing about, especially late-night retail workers, it's a job with high turnover. But it shouldn't necessarily be, but for reasons of . . .

Hon. Mr. Morgan: — I suspect that the turnover will continue because it would be regarded as a fairly low-paying, entry job. And with the late-night hours, people would use it until they were, they got where they'd moved elsewhere in their career. But I think that means all the more reason that we would want to take steps to protect those workers. So they would be some of the most vulnerable. So we agree, and we'll continue to follow-up.

Mr. Forbes: — I appreciate that. Thanks very much. I want to ask the . . . I don't know if you've been following this, the couple of bills in Ontario that have been brought to my attention, and one was the tipping bill in Ontario. Have you heard of the tipping bill? This is more a labour standards question.

Hon. Mr. Morgan: — You're talking about a situation where there's a different wage for a wage earner that's earning a tip. Is that what you're . . .

[19:15]

Mr. Forbes: — Well not quite, but that's a part I don't want to talk about but because, you know, because Ontario does have a differentiation of minimum wages. And we definitely don't want to go down that road, and I appreciate the minister's stance on that so far.

What this is and where this came from, it was brought to our attention by a server from Saskatoon in the summer last year. And the concern was around the fact that his employer was keeping the tips and then saying, well I'll pay you out at the end of the week. I'll pay you out at the . . . And what was happening, the restaurant was in a pretty precarious position, and whether they would actually get paid or not. And they wouldn't really have a sense of how much they were going to get paid.

And so we were contacted by somebody who was actually a very well-organized person, who actually kept track of how much tips they were getting every night and so had a really clear idea of what that situation was. But he was being very proactive and because he could see in the writing on the wall that the restaurant wasn't going to be lasting very long.

And the situation became that he wanted to know if there was bankruptcy, where were the tips going to be. And what happened was, he was able to make the case . . . well he was turned down. I don't know how it went with the ministry, whether he got very far, but it soon became apparent that the issue was tips are not counted as income, as part of the issue, in the province. But the problem is tips are counted as income

when it comes to the Canadian revenue, and they will tax you on it. That's part of why he kept really good track of this over the course of the years. And so he really had a good sense of how much people were getting to be . . .

This had gone quite far in Ontario, but because of the election I think that it probably died on the order paper. I haven't heard from my colleagues in Ontario whether it had made progress. And so I know in Ontario it was brought forward by a New Democrat, Michael Prue had actually tried to bring it forward a couple of times. But with the minority government, the Liberals actually had supported it. And it looked like it was going to make some headway, and then the restaurant association had some concerns about it as well. But you've raised the concern about the different minimum wages.

But the other interesting thing that's happening out in this area is the fact that so much of the tips now are electronic. You know, it used to be in the good old days you'd give somebody a dollar bill or a five dollar bill. And that would be it, you know, and it would be done and there would be very little record keeping. Actually there's a lot of record keeping done now because people do it on their debit card and they don't get the cash. And we're tipping in all sorts of different places that perhaps we didn't tip before, because you just get the tip function on the debit machine. And so this is becoming a bit of an issue.

You know, I think in Saskatchewan it's not a bad situation, but it's an outlier. When I go to restaurants sometimes I ask servers, so how does it work here? But they are talking more and more that it is, that tips are being pooled and 5 per cent go back to the kitchen and, you know, different places.

The problem in Ontario was 5 per cent was going to the owner, which seemed to be like a tax on serving. Like, why did you have to pay your owner for the right to work in the restaurant? And so, or as well, pooling was done on the basis of how much, you know, their goal was that they wanted to sell \$1,000 of their food, and the expectation was that there would be a certain amount of money in the pot. So I don't know if you have any thoughts on this, but . . .

Hon. Mr. Morgan: — I'll give you a little bit. It's not something that I've spent a lot of time with the officials, but the officials are somewhat aware of it. So your point about that with electronic payment and use of a credit card, it's not as easy to keep track or have the money go directly to the server where the payment is cash, then it's in that person's, his or her hand. So they have it, and then if there's a pooling arrangement, they submit and it's taken care of. But where it goes directly into the employer's bank account by virtue of the electronic transfer, then it becomes more complex and harder for the worker to keep track of or find any method to audit.

It actually is, in fact it's not a wage from the employer. It's actually a payment directly from the customer that flows through the employer. And it's not taxed as part of . . . tips are, you're right, it's taxable income, but it's not income from the employer that's taxed. So it should flow directly, so it becomes somewhat complex where they're there. What I can do is I can ask them to look at it. It becomes even more complex where there's a pooling arrangement, either between serving staff

where they average it or between there and the kitchen or between a host/hostess and the other serving staff where there's some kind of a formula in place. It becomes difficult.

I suppose the argument that would be advanced and with the . . . [inaudible] . . . is that the employer would be constituted a trustee and would hold those in trust, and then would have some kind of a secured relationship. So it's probably something to look at.

I asked Greg right now. He's not aware of there having been any complaints in our province, but that's not to say there wasn't some that didn't filter up to him. But I can ask them to have a look at it and see over time whether it has been an issue.

It would be, it would require, I'm thinking out loud, a legislative change to create whatever security interest and to impose that duty on the employer to do it. I don't know at the present time whether the workers would even, I don't think would be able to even investigate it. They deal with the salary, the wages, the holiday pay, the hours of work, and not third party money that flows through. But it's a good question and has not been a problem as yet, but it's always good to watch out for things because if it becomes a problem in one jurisdiction, it may well be here next.

Mr. Forbes: — Yes, exactly. And that's the concern is, you know, these habits, and I guess what people think of them as best practices. Pooling tips and that type of thing is a generous thing to do, but then if it becomes a little over the top . . . And I haven't heard a lot of concern, so this isn't something that's a burning issue, but it's a one-time.

And I've heard stories about, you know, when restaurants have gone bankrupt. Like this one particular, the guy did get his money back because he had his itemized bills and said, these are the tips I got on these nights for the last three weeks before you padlocked the doors. What was the guy going to do? But the other servers were kind of out of luck because they had no idea. They were trusting him.

Hon. Mr. Morgan: — I could see a sympathetic trustee in bankruptcy making the argument that although the money was in the employer's bank account that it wasn't the employer's money. It belonged to the employees. So I could see the trustee in bankruptcy or a receiver saying, okay yes, we agree with the calculation, or we support the numbers that are there. But if it's not accurately done, it would be difficult. It's an interesting issue that might arise.

And naturally we wouldn't want to interfere with the right of employees to enter into a pooling arrangement or the right of the employer and employees to work out whatever portion they've got. And I wouldn't be able to even express an opinion whether the employer should charge a fee for receiving and apportioning or whatever.

You know, I think of, it's money that's intended by the customer to go to the employee. So I can't imagine why the employer would have a right to it unless the employer happens to be the one that's actually a proprietor, doing some of the cooking or something, but that would be speculation. But I think the important thing is we should probably ask the officials

to see whether there are issues that are coming up and be . . .

Mr. Forbes: — Yes. I'd be happy to share what I know about it. I know the restaurant. The CRFA [Canadian Restaurant and Foodservices Association] has been involved in Ontario on this issue.

Hon. Mr. Morgan: — Pat Parenteau has just found the piece of legislation that's there and it, as one would think, provides that the tips are to be passed through to the employees and provide some employees some protection on it.

Mr. Forbes: — And again I appreciate the fact that we don't have different levels of minimum wage, right, where they do in Ontario, where this becomes a much more pressing matter because this is part of how they make their living. So anyway so I think it's an important one.

Hon. Mr. Morgan: — As you're aware, we made the policy decision here that it was not in the public interest to try and have a wage differential for that. What it does is have a further reliance of workers on tips and pits one against the other. We thought no, the minimum wage is what the employer's obligation is, and employees can pick and choose where they want to work. And if they're in a high-tipping area, well so be it.

Mr. Forbes: — Then you have high expectations, and that's how it goes. And I appreciate that. Thanks so much.

Now the other one that came about, and it was interesting, more or less around the same time, but this is the Ontario law to protect precarious workers and unpaid interns from wage theft and other workplace abuses. But what this really under . . . And it hasn't been passed, but it's the proposed legislation. And this is from last December, December 4th, 2013.

Hon. Mr. Morgan: — Precarious workers.

Mr. Forbes: — Precarious workers is what they're calling them. And so what the issue here is, under the proposed legislation companies that hire temporary agencies would be liable for unpaid wages, severance pay, and other employment standards acts violations suffered by temporary agency workers. And if it was passed . . . I'll read the next paragraph: "If passed, Ontario would be the first province in Canada to enact so-called 'joint and several liability' for temporary help agencies and their client companies."

So essentially what that means, that if I'm hiring, if I need people on a temporary basis in my workplace and I have an agency doing that for me, and then if something happens to that agency, I'm not liable, but the agency is. But if they're bankrupt, then the employees are out of luck. This would tie the contractor and the agency together in terms of liability.

So have you heard of this and have you any thoughts? What's the situation here in Saskatchewan with that?

Hon. Mr. Morgan: — The situation that you're describing would be where you would hire Kelly Services to provide you with a worker. Kelly Services doesn't pay the worker, and therefore you would be liable as the employer. I'm just told we

don't appear to have had an issue with that.

I think I would find that problematic because you're imposing an obligation on somebody that's not the payer. You know, the company that's the one that's paying the workers isn't there, so what you're saying to the party that is not directly paying, not the temporary service worker, you're saying to them, you're liable for the debts of another entity. I could see that they should be liable if there's any money that's not yet paid to that company. But if you've already paid for the company, is it fair that you should be obliged to pay twice? Now I appreciate the importance of ensuring that workers are being paid, but it would be a disincentive to somebody to use a temporary service or to pay promptly if they thought they had to wait.

So I mean, if we had a problem, obviously we'd want to look at what's taking place in other jurisdictions. And we'd want to look at what particular problems they're trying to address. But my initial reaction would be I would not want to impose an obligation on a person having somebody work here because they chose to use an employment service to provide that. I mean it's one thing if the employment service says yes, you pay them directly or, you know, we'll do something directly. But I think it would just be a problem for the workers that are working through that agency and the employer. I'd really want to do a lot of careful analysis as to where the problems were and what issues you would be making worse on it.

Mr. Forbes: — Yes. Now you do have I think actually for the record, the collection unit. There is a wage collections unit, I think. And what is their record for collecting? Sorry, I didn't mean to get technical tonight, but you have the folks here.

It's interesting. They apparently had done a study in Toronto, United Way Toronto and McMaster University. Now Toronto is different than here, but a staggering 50 per cent of Ontario workers at all income levels are engaged in precarious work — now that's at all income levels, not low income — which is described as temporary with no benefits, and then they say with an often low-paying. So that's interesting that . . .

[19:30]

Hon. Mr. Morgan: — I can't speak to what their definition of precarious is. I know the vast majority of employers in our province pay what they're supposed to pay when they're supposed to pay, and in fact contact the labour standards office to determine what their obligations are, look for advice as to how things are supposed to be done. And I would like to think that it would be a rare occurrence when a worker doesn't get paid.

I think there's two situations where a worker would get shortchanged. One would be where the business has failed and then there's a variety of other creditors. So you know, you would not want to see a worker ever shortchanged, and that's why they're given special status in the failure of a company. The other one is where there's been some kind of dispute or problem between the employer and the employee where they've chosen to . . . But I think the advice I would give any employee is if your employer misses a payment once, you don't continue working. You go to labour standards and you, you know, if that's what precipitates a company closing its doors, better that

should happen when you're out part of a paycheque or one paycheque than work for six or seven months.

And I've actually, I'm aware of situations where somebody has worked on, oh well I didn't want the business to go down, so I continued to work. I got a little bit here, a little bit there. Well if you want to choose to bail out your employer, that's your business, but we can only give you a minimal amount of help on that kind of recovery. I think Greg's located his information so I'll let him . . . but I know it's something that we do take seriously and try and aggressively collect. So anyhow I'll . . .

Mr. Tuer: — In terms of what our collection rate is year over year, we tend to be between 70 and 80 per cent of the wages we've found owing that we were able to collect. Last year it was 72 per cent; the year before it was 78.7 per cent. What we find, this will be kind of obvious, but when there's a bankruptcy involved, that tends to drive down the collection rate. So that's our overall collection rate.

Our collection rate when something has gone to a certificate — so we've issued a wage assessment, they've had the opportunity to appeal, they've either appealed and our judgements been upheld or they haven't appealed — the collection rate tends to drop significantly there. And again that's impacted by bankruptcies, but on the whole we tend to find that between 70 and 80 per cent in any given year is what we're able to collect.

Mr. Forbes: — Is there a trend or a type of business that tends to make up, or one of the sectors that make up the big part of your business in this area?

Hon. Mr. Morgan: — I can tell you that government has got a relatively good record. Pardon my bad humour. But the larger employers, there's . . . it's the smaller companies or the start-up. I can give you, just by way of a little bit of background, as to the value of the certificates that are there. If you're the employee that's affected, it's significant. But on a province-wide basis for the size of the payroll, in '09-10, it was 643,000 in the certificates; '10-11, 572,000; 675, '11-12; '12-13, 422,000; '13-14, 510,000. So it's in the range of a half a million dollars a year.

And then the number of them, of the . . . [inaudible] . . . to make that up, 135 in '09-10; 170 in '10-11; 204 in '11-12; 178 in '12-13; 154 in '13-14. So it's a significant amount for the individual employees that are there. And then, but of those, a good portion of it is, you know, half or two-thirds is actually being collected. But I'll let Greg give you further information as to the type of employer that's . . .

Mr. Tuer: — What I think that minister has indicated, I mean we get complaints from all size of employers. I think where we tend to run into these bankruptcy issues, it tends to be the smaller organization, whether it be a construction company or, as you've indicated earlier, a restaurant or someone in that sort of industry. What our stats have shown us though is, in the vast majority of cases where we've found wages to be owing, it's over 90 per cent of the time the employers voluntarily comply and pay the wages. It's just it's in those situations where there is more financial difficulty that we tend to have to, to use my words, chase the money a bit more. And that's where we have some issues.

Mr. Forbes: — So would it be fair — or it's almost sounding like not — the case in Saskatchewan that there are precarious situations where people are working on a daily . . . get paid at the end of each day, like in a temporary work situation, you know, that's not the situation here?

Mr. Tuer: — That's not the norm that we would see. But I couldn't to speak to whether or not, how many of those types of arrangements are out there.

Mr. Forbes: — Do you have a sense of how many people in Saskatchewan work for these temporary workplaces? How many are there in this province?

Hon. Mr. Morgan: — I'm not sure whether your question is regarding workers getting paid in the general sense or workers that are working for the agencies. The deputy minister indicates there's three of the agencies that are around that are long term, that I would be surprised if there was any issue with because they've been around for decades. There's Kelly Services and temporary manpower . . . In any event, they exist and they provide services in providing workers on a temporary or daily or weekly basis. And they also serve as a hiring business, where they solicit on behalf of the workers to try and find . . . work as an employment agency as well.

Mr. Forbes: — Well that's why I was getting a sense of how many employers. I don't have a sense in Saskatchewan that we have the same sort of scenario of a lot of people working for these types of places.

Hon. Mr. Morgan: — Without doing a lot of research, my sense from talking to the officials is the problem with workers not getting paid is not because they work for an employment agency, but rather it's where the employer's finances are precarious.

Mr. Forbes: — Thank you very much. I have some questions here, and it's really around privacy laws. We've had this debate before, and I don't think we got to talk much about this on the other night, and just the editorial that was in *The StarPhoenix* back in January. And I'm just curious from your perspective as Minister of Labour Relations and Workplace Safety, but you've also been the minister responsible for privacy in a different area.

But to me, I'm really getting to appreciate how important privacy issues are in terms of the workplace. And actually we've talked a lot about this over the last couple of years, both because of the letter that the former commissioner Dickson had written, but now we're at a point where we're looking to hire a new person. And of course the call has always been for refreshing privacy laws.

So is there any intent in terms of will you be spending, will the ministry be spending time this year to reflect on privacy laws and updating them?

Hon. Mr. Morgan: — We know that the Ministry of Justice is considering a review of the legislation, and I know that they've looked at the various recommendations that commissioner Dickson made during his tenure and that he left behind. So there would be potentially a number of things that would be

good discussion points.

We made a conscious decision not to include anything in the employment Act because we felt it was properly part of the requirements of the privacy legislation. So we'll probably, at the time that process goes ahead, would probably do some fairly wide consultation as to what things should or should not be confidential, what information is necessary for a Workers' Compensation Board claim where . . . What information needs to go to an employer to create a return-to-work program or whatever?

And I think there's a lot of balancing and a lot of fine points, and it would be really interesting to hear from both workers, employers, Workers' Compensation Board as to what an appropriate course of conduct or pattern of regulation might be, as well as looking at some interjurisdictional comparisons as well.

I think if you're a worker, you have an expectation that your confidential information which the employer must have — such as your date of birth, your social insurance number, your home address — that those things would be kept confidential. You know, it wasn't that long ago you'd work in a small business, there was an employee list on the bulletin board that had the name and address and home phone number of all the employees and in brackets the name of the spouse as well. You know, I mean those things were . . . We lived in a different time then than we do now.

So certainly there's . . . people have different expectations. And I think it's also fair to say that the vulnerabilities are higher now because we live in an electronic world where more information is available or more things can happen because of online security issues. So it will be a worthwhile discussion to have and to make some recommendations to the Justice minister as to what should or what shouldn't be there. The easy part is saying, yes you keep all or most of the employee information confidential. The harder part is who you must share it with or who is an appropriate person to share and at what level.

Mr. Forbes: — Yes, it was interesting, you talk about a different time. And this editorial — it was in *The StarPhoenix* back in January — and it quotes, “. . . it's unfathomable that Saskatchewan's legislation governing this area predates the proliferation of the Internet and the technological advancements that makes it so easy to gather, store and disseminate vast amounts of data.”

So it really was a different time, and it's hard to believe how that is the case. And so that's why I think it's important. And one of the key things . . . And I appreciate your answers, and I really hope that there is a wide-ranging consultation. I really hope it happens in the workplace, and this is why I think this ministry is so important to be part of that. We often look to Health as being the place, and obviously it's a key place in terms of privacy, but the workplace is also really important, very, very important. And I think education's another area as well, but that's for another time. But I don't want us to forget how important it is for the workplace.

Hon. Mr. Morgan: — I agree. I'll give you three short examples of things that you need to get discussed that don't

affect the workplace, but are sort of the issues of what's private, what isn't.

Our land titles regime is based on the premise that that information should be open public records, subject to public scrutiny. You want to know who owns the land that's down the road from you, that it isn't some nefarious group. So now for a few dollars you can go down to city hall, find out who the assessed owner is of a piece of property, whether they're a public or a separate school supporter. And you can also take that information with the legal description over to the land titles office, find out how long the person owns it, usually what their middle names are, what they paid for it, how they financed it when they purchased it, and how large their mortgage was. And that's a matter of public record any time.

If it's held by a corporation, you take that information, you go to ISC [Information Services Corporation of Saskatchewan], you search the corporate registry, and you find out who the directors and shareholders of that corporate entity are. So if people think that their affairs aren't public, they are.

[19:45]

Another one is court records. Court records on matrimonial files are, generally speaking, open to the public unless there's an order that . . . [inaudible] . . . there. It used to be if a prominent lawyer was going through a divorce, the first thing people would do is their competitors would make a trip down to the courthouse, search the file, and find out how much they made the previous year. Not a fair thing, not a right thing but, you know, that's, the court system is expected to be open.

And the one that's still up in the air is vehicle registration. Whether, when you get a license number of a vehicle, and there was the issue not that many years ago with the parking companies that were wanting access to that registry. And now, you know, they've entered into some protocols because they didn't want to go and get, neither side wanted to go to court and try and get a determination.

So there are all kinds of privacy issues that fall between right to know and desire to keep private. And where it's government or public entity, of course we are expected to be open, transparent, fully accountable, but in the private sector that level of openness and accountability doesn't exist. Privacy is a much bigger issue. So, in any event, I didn't mean to steer off, but the whole issue will become an interesting debate.

Mr. Forbes: — Well I think it should be. I really do think, because as a society there's a lot of stuff we'd like to know and we're very interested in as many of the things, as you say. And it's really one of those cases where the right to know, and those who should know. And we're wrestling with that, I know the government's wrestling with that in terms of their issues, in terms of health and safety, that type of thing. But we need to really watch this because especially with technology now it's, as you say especially around mortgages, it's surprising what people can know about you. And you wonder how did that come out.

But the one point I did want to make is this whole issue in terms of how well privacy is doing in terms of the public workplaces

versus the private workplace. And we know across Canada we're one of the last provinces that have privacy rules that govern private workplaces. And I think this is one that will probably come up as you do that survey across Canada, and we should be thinking more about that.

Hon. Mr. Morgan: — I agree. It will be a discussion for private workplaces. I think the public workplaces, there's a high expectation that the information is kept confidential. And unless there's been an accidental breach, which fortunately is happening with decreasing frequency, the expectation of the workers is fulfilled.

I know we had a lapse a few years ago where information from SGI [Saskatchewan Government Insurance] was leaked to somebody, where it was vehicle information where they were trying to use it for people who were at meetings or something like that. And there was somebody who was either fired or disciplined from it. So there's a higher understanding of the need to maintain it amongst everybody that's in the workplace. And I think those that have regular access to sensitive information know the need for it, as do the employers all the way across.

Mr. Forbes: — I would just appreciate the comments you've made. And really that we do all we can and over the next while, that hopefully when we get to the point where we're hiring a privacy commissioner, that they'll step up and take a look at privacy laws, because I do think that it's time to review them and make them as best as we can.

I'm just curious, you know, when one other side question is around the athletes not being included in the employment standards. That's a new thing, and I wasn't aware that that was under consideration. If you could comment a bit about that.

Hon. Mr. Morgan: — Sure. I think the general understanding, prior to the regulations coming, was that they weren't covered. But there was, occasionally there would be an inquiry from somebody: well I was at this hockey game. I was coaching, or I was playing. Well did they pay me? Do I have an obligation to do anything? So we felt by including in the regulation, we would have a clear answer to give: no, you're outside of the regulation; or you're doing this, you're inside the regulation.

We have a large number of semi-professional sporting teams, Saskatoon Blades and Saskatoon Hilltops. And there's people that are the players, and most of them are in a transition from high school level to Roughrider level, and this is the area which they're being groomed, being trained, being scouted for. So those people very much want to play the game. And then I guess the question you ask them, are you doing this because of your love of the game or are you doing this because of a future or are you doing this as a job? Well if you're doing it as a job, you're not going to be compensated or paid very well.

So we had the request from some of the teams saying, we'd like to have some clarity because for us — for the viability of the leagues, the viability of the teams — if there is an obligation to pay minimum wage, whatever, we treat these as an amateur athletic team. The fact that we give them a stipend shouldn't create an employer-employee relationship. So we thought we would clarify it. So it's not as much a change in policy or a

change in practice but a clarification of the existing . . . And it was done at the request of western . . . [inaudible].

Mr. Forbes: — The one question I would have, and it's more advice. It was interesting because I had been following this a bit. And some of the stuff, the questions around . . .

Hon. Mr. Morgan: — I thought maybe you were going to say you were trying out for one of the teams.

Mr. Forbes: — Yes, right. But the question is around the scholarships and the fact that some of them, you know, make a big and a good point, that there's scholarships at the end of playing for a certain team, but some of the qualifications for getting the scholarships are not that great. I'm not sure it's a labour issue, but it is an issue of fairness. And so it might be something that government as a whole takes a look at. And I'm not sure who that would be in terms of how do you make sure . . . And maybe it's a Justice issue, because at the end of the day, you know, in the fairness.

So the point's been raised. Say for example, if you're playing hockey and you can get a scholarship, but you have to act on that scholarship within a certain time period. And some of the kids say, you know what? I want to try playing for some other teams because I still think I have something to prove. And then you find out that you've disqualified yourself from the scholarship because you played . . . And it's a very tight timeline, actually. So maybe this is more a question for Justice. I'm not sure who.

Hon. Mr. Morgan: — I know scholarships, you might think, are education. But I think that the terms that exist in a scholarship are there, they're usually public, they're . . . I'm not aware of there being an issue that a scholarship or an entity, whatever foundation or entity that might be providing the scholarship, that they weren't fulfilling or meeting the terms of the scholarship or that the terms were unfair. And I could see the situation that you're talking about where somebody accidentally disqualifies themselves by having done this or having done that. But I don't know whether there would be a role for government to try and do that, or whether that's better left by people writing to the scholarship people.

I think those that are administering scholarships want to appear to be acting in good faith. They're doing the scholarship for the better public good. I would think they would want to have the rules that would be clear, predictable, and fair so that nobody says they were shortchanged or, oh I didn't know this, I didn't know that. So if there was something that was working against the potential pool of applicants, they would likely want to know so they would be able to make a change.

I know when I had the Advanced Education file, we were not dealing with, and I think I inquired a couple of times whether there was issues with people unhappy or concerned with scholarships. And it was at that time I'm not aware of there having been an issue with people unhappy. Most of them, most of the people that had donated money for scholarships turn them over to SIAST [Saskatchewan Institute of Applied Science and Technology] or the university and let them administer them, and there was a non-issue. Now there certainly could be some that would be private scholarships that may have

a different set of rules, but I'm not aware of it being an issue.

Mr. Forbes: — I just found it interesting that it came up last week when the regulations . . . And I hadn't thought much about it, but I appreciate that and appreciate your answer. And your answer and the regulations don't preclude any group from forming an association to better represent themselves to discuss how scholarships are being done.

So with that, Mr. Minister, I want to thank you for your answers, and we've had a good discussion about labour and the workplace tonight. And your officials for coming out, I appreciate that and thank you very much. And with that, I'm finished my questions.

The Chair: — Thank you. Mr. Minister, if you've got some closing comments.

Hon. Mr. Morgan: — Sure. Thank you, Mr. Chair. I would like to thank the member opposite for his questions. And I think the nature of the questions tonight demonstrate a strong interest and awareness of the topic and a strong desire to do what's right for applicants of scholarships, workers. And I think the issues that are raised are ones that may lead to ongoing dialogue, and we'd certainly welcome further discussion any time, you know, there's something that arises or he hears or would like to discuss something.

I would like to thank the members of the committee for being here tonight, as well as the Hansard and the building staff, and of course want to thank all of the officials for being here tonight. I'm told by the officials that the weather can't get nice until after we're done estimates.

The Chair: — Thank you very much, Mr. Minister. We will now conclude with the voting. So if you're following in your scorebook, it's page 97, vote 20, Labour Relations and Workplace Safety, central management. And subvote (LR01) in the amount of \$4,371,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Occupational health and safety, subvote (LR02) in the amount of \$8,719,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Labour standards, subvote (LR03) in the amount of \$2,784,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Labour Relations Board, subvote (LR04) in the amount of \$1,134,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Labour relations and mediation, subvote (LR05) in the amount of \$817,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Workers' advocate, subvote (LR06) in

the amount of \$835,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Non-appropriated expense adjustment in the amount of \$122,000. Non-appropriated expense adjustments are non-cash adjustments presented for information purposes only. No amount is to be voted.

Labour Relations and Workplace Safety, vote 20, \$18,660,000. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I will now ask a member to move the following resolution:

Be it resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2015, the following sum for Labour Relations and Workplace Safety in the amount of \$18,660,000.

Ms. Wilson: — I so move.

The Chair: — Ms. Wilson. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you very much. The time now being 7:58, we have concluded this. If the minister and his people would like to leave, it is perfectly fine. And we'll have a little break, and then we will be voting off some of the other ones. So thank you very much, Mr. Minister, and to your staff, thank you.

[20:00]

**General Revenue Fund
Advanced Education
Vote 37**

The Chair: — All right, I think at this time we'll begin with the voting off. We're going to go to vote 37, Advanced Education. That's page 23. Central management and services, subvote (AE01) in the amount of \$14,891,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Post-secondary education, subvote (AE02) in the amount of \$720,588,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Student support, subvote (AE03) in the amount of \$81,958,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Non-appropriated expense adjustment in the amount of \$310,000. Non-appropriated expense adjustments are non-cash adjustments presented for information purposes only. No amount is to be voted.

Advanced Education, vote 37, \$817,437,000. I will now ask a member to move the following resolution:

Be it resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2015, the following sum for Advanced Education in the amount of \$817,437,000.

Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Mr. Lawrence. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

**General Revenue Fund
Lending and Investing Activities
Advanced Education
Vote 169**

The Chair: — Vote 169, Advanced Education, page 150, loan to Student Aid Fund, subvote (AE01) in the amount of \$54,000,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Advanced Education vote 169, \$54,000,000. And I will now ask a member to move the following resolution:

Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2015, the following sum for Advanced Education in the amount of 54,000,000.

Mr. Merriman: — I so move.

The Chair: — Mr. Merriman. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

**General Revenue Fund
Education
Vote 5**

The Chair: — Vote 5, Education, page 45. Central management and services, subvote (ED01) in the amount of \$18,870,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. K-12 education, subvote (ED03) in the amount of \$1,337,746,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Early years, subvote (ED08) in the amount of \$65,647,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Literacy, subvote (ED17) in the amount of \$2,769,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Provincial Library, subvote (ED15) in the amount of \$12,722,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Teachers' pensions and benefits, subvote (ED04) in the amount of \$32,288,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Non-appropriated expense adjustment in the amount of \$1,100,000. Non-appropriated expense adjustments are non-cash adjustments presented for information purposes only. No amount is to be voted

Education, vote 5, \$1,470,042,000.

I will now ask a member to move the following resolution:

Resolved that there be granted for Her Majesty for the 12 months ending March 31st, 2015, the following sum for Education, in the amount of 1,470,042,000.

Mr. Lawrence: — I so move.

The Chair: — Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Oh I'm sorry, that was Mr. Lawrence made that motion.

**General Revenue Fund
Health
Vote 32**

The Chair: — We now move into Health, vote 32. Health, page 75, central management and services, subvote (HE01) in the amount of \$12,767,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Provincial health services, subvote (HE04) in the amount of \$226,640,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Regional health services, subvote (HE03) in the amount of \$3,477,586,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Early childhood development, subvote (HE01) in the amount of \$10,993,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Okay, we're making a correction, it was early childhood development, subvote (HE10).

Medical services and medical education programs, subvote (HE06) in the amount of \$880,761,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Provincial infrastructure projects, subvote (HE05) in the amount of \$43,317,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Drug plan and extended benefits, subvote (HE08) in the amount of \$371,661,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Non-appropriated expense adjustment in the amount of \$5,435,000. Non-appropriated expense adjustments are non-cash adjustments presented for information purposes only. No amount is to be voted.

Health, vote 32, \$5,023,725,000. I will now ask a member to move the following resolution:

Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2015, the following sums for Health in the amount of \$5,023,725,000.

Mr. Merriman. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

**General Revenue Fund
Social Services
Vote 36**

The Chair: — Vote 36, Social Services, page 115, central management and services, subvote (SS01) in the amount of \$50,040,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Child and family services, subvote (SS04) in the amount of \$218,397,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Income assistance and disability services, subvote (SS03) in the amount of \$660,457,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Client support, subvote (SS05) in the amount of \$19,372,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Housing, subvote (SS12) in the amount

of \$14,672,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Non-appropriated expense adjustments in the amount of \$4,693,000. Non-appropriated expense adjustments are non-cash adjustments presented for information purposes only. No amount is to be voted.

Social Services, vote 36, \$962,938,000. I will now ask a member to move the following resolution:

Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2015, the following sum for Social Services in the amount of \$962,938,000.

Mr. Lawrence: — I so move.

The Chair: — Mr. Lawrence. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Standing Committee on Human Services fifth report. Committee members, you have before you a draft of the fifth report of the Standing Committee on Human Services. We require a member to move the following motion:

That the fifth report of the Standing Committee on Human Services be adopted and presented to the Assembly.

Ms. Wilson: — I so move.

The Chair: — Ms. Wilson. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Thank you, one and all. If there are no more questions, I think we've spent our share of the money for today. Thank you, one and all, for your kind attention and your work. We would now ask for an adjournment motion. Mr. Moe moves a motion of adjournment. All agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. This committee stands adjourned.

[The committee adjourned at 20:13.]