STANDING COMMITTEE ON HUMAN SERVICES

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STANDING COMMITTEE ON HUMAN SERVICES

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[The committee met at 15:59.]

The Chair: — Good afternoon everyone. First thing is we'll introduce our members that are present today. We have Mr. Marchuk, Mr. Parent, Ms. Tochor . . . Mr. Tochor, Ms. Wilson. Sorry about that, I was looking at you. And we have our Deputy Chair with us today, Mr. Forbes. I'm Greg Lawrence. I'm the Chair today.

Bill No. 183 — *The Saskatchewan Employment (Essential Services) Amendment Act, 2015*

The Chair: — On the agenda this afternoon is Bill No. 183, *The Saskatchewan Employment (Essential Services) Amendment Act, 2015*. We're scheduled for three hours tonight, and it is 4 o'clock now. Are we prepared to proceed at this time?

Hon. Mr. Morgan: — Yes we are, Mr. Chair.

The Chair: — Okay. We will move on to Bill No. 183, *The Saskatchewan Employment (Essential Services) Amendment Act, 2015*. By practice, the committee normally holds a general debate on clause 1, short title.

Clause 1

The Chair: — Minister Morgan is here with his officials. Minister, if you'd please introduce your officials and make any opening comments.

Hon. Mr. Morgan: — Thank you, Mr. Chair. I'd like to introduce the ministry officials that are here with me today. I have with me Mike Carr, the deputy minister; Pat Parenteau, director of policy; Ray Anthony, executive director, occupational health and safety; Megan Hunt, director of health standards branch; and a relatively new person, Sameema Hague, manager, occupational hygiene unit.

Today we are here to discuss amendments to *The Saskatchewan Employment Act* to provide for new essential services legislations. These amendments balance protecting the public and ensuring that alternative methods to settle labour disputes are available. We have always committed to working with public sector employers and the unions that represent their workers to find common ground so that our legislation not only addresses constitutional obligations but also ensures the provision of essential services for Saskatchewan citizens.

When passed, the amendments will enable Saskatchewan's essential services legislation to address the concerns raised by the Supreme Court of Canada in its January 30th, 2015 precedent-setting decision that will have an impact on all jurisdictions in Canada. The Supreme Court did recognize in that ruling that essential services should be maintained while at the same time respecting workers' rights to take job action.

Mr. Chair, we took the time needed to analyze that decision and consider how it may affect our current essential services legislation. Consultations played an integral role in the development of the new essential services legislation by giving stakeholders a voice in the process. Consultations were held from May 2015 to September 30th, 2015, and involved public sector employers, unions, as well as emergency services organizations. The amendments are the result of a public consultation process, as well as the efforts of a working group comprised of public sector employers, the unions that represent their workers, and government representatives working co-operatively.

I wish to thank each individual and organization in the province who took the time to provide feedback on the pivotal piece of legislation. After the working group initially proposed changes to the legislation, the ministry undertook consultations with affected stakeholders, including emergency services and other public sector employers, to consider the impact of the changes.

The Ministry of Labour Relations and Workplace Safety received 17 submissions and met with 39 stakeholders all across the province. The collective and collaborative approach used to inform the content of the Act ensures fair and balanced legislation that does not diminish existing rights and privileges of the working people of Saskatchewan. The legislation fosters the development of ongoing productive and effective relationships between the workforce and employers and between individual working people and the unions that may represent them.

The key changes are: firstly, removing the definition of essential services. The parties will determine what services are essential for their respective organizations; next, establishing an essential service tribunal, which is an independent third-party dispute resolution body that will render decisions on what are essential services as well as whether an essential services agreement substantially interferes with the exercise of a strike or lockout.

The tribunal will be comprised of the Chair or Vice-Chair of the Labour Relations Board and a representative appointed by each of the parties to the dispute, providing for binding mediation arbitration to conclude the terms and conditions of the collective agreement when an essential services agreement is found to substantially interfere with the exercise of a strike or lockout.

Next, requiring the parties to include in the notice of impasse whether there are essential services to be maintained in the event of a strike or lockout. We also changed the cooling-off period from 14 to 7 days in cases where essential services are identified.

Next, we established a maximum time period of 60 days for a mandatory mediation and conciliation under section 6-33, except where the parties mutually agree to a longer time period.

Mr. Chair, individual working people are the province's most important resource. Coupled with the dedication and innovation of Saskatchewan employers, our workforce is a resource that sets us apart from jurisdictions across the country and around the world. To ensure that we are protecting the resource, we are also reviewing our legislation around WHMIS [workplace hazardous materials information system], our workplace hazardous material information service.

There has been a movement across North America to adopt a new standard for classifying and labelling of hazardous chemicals. Both Canada and the United States have agreed to harmonize our systems to this global standard. The new system will reduce confusion by creating consistent standards for companies, workers, and other end-users across the world. This will enhance protection of workers' health and the environment, and it will also reduce trade barriers between provinces and around the world.

Following enactment of this legislation, regulations will be prepared to put in place the harmonized system. With this amendment and the new essential services legislation, we will ensure that Saskatchewan continues to be an innovative and economic leader in Canada while ensuring that the treaty rights . . . or the rights and safety of workers are maintained. Wrong portfolio.

I want to thank the parties that participated in the consultation process, but in particular the six people that worked hard to produce something that complied with the provisions and the ruling of the Supreme Court and gave us something that we believe should be workable and protect workers' rights. So to the six, I thank them.

I am, Mr. Chair, ready to take questions.

The Chair: — Mr. Forbes.

Mr. Forbes: — Thank you very much, Mr. Chair, and I appreciate the opportunity to seek clarity on Bill 183. It's a very important bill.

And I have a few opening comments before I thank people. And I know, Mr. Chair, you want to focus on Bill 183 and not get into long, rambling things, but it has been quite a journey that's found us here. So I want to focus on 183 and get my questions back to that, but I do think that there's some important questions to be raised.

But first of all, I find this very interesting, you know. And the members here will know that I made a member's statement today about Allan Blakeney and the conference we were at. And I was just thinking about one thing that was there — and I don't know if this minister has been schooled in this at all — but he said, ministers shouldn't be experts; ministers are the people who interpret the law to the ordinary folk. The experts are in the ministry. They're the ones who know the details in and out.

And so I think I'm going to try to play that role. I'm not an expert in this. I mean we've seen the Supreme Court ruling, and I've actually got it here. But what I'm going to try to do is interpret it and make sense for ordinary working folk who've been involved in this process for many, many years. That's my role, so I'm not going to try to outsmart the Ministry of Labour. But I do have a lot of questions of that.

And I think the minister reflected on this and has reflected on the spirit of this bill going forward, that both we respect people's rights but we also want to make sure people are safe. And so any question I have today will be in that spirit. But I just have one really quick one. Will you be introducing any amendments today?

Hon. Mr. Morgan: — I don't intend to. I'm not sure whether there's any coming from anybody else here today, but no. Actually on that issue — I know you and I had had a discussion a few days ago — nobody has come forward with anything specific regarding it. And we've said, as this is, as you're aware, a new piece of legislation dealing with a very new ruling of the Supreme Court, so it may be, in months or years to come, it would be a piece of legislation that we would want to look at in the context of whether it's appropriate to amend it.

Where people have raised questions — Would you amend this? Would you amend that? — I've said to them, well go back to the six people that were there originally, pose your question to them, and ask them why something was in or wasn't. So to the extent that people have done that, I haven't heard back from anybody. And that's not to say somebody won't come forward but, at the present time, I don't have either a specific request or anything to put forward. So if that's . . .

Mr. Forbes: — Yes, I just want to make sure that's clear as we go through. And we have significant time, and I think that there would probably be more than enough time for folks to answer my questions.

I do want to . . . As you're speaking, it just hit me. And I have a question that goes back to when we've had the debate about this bill and the intent, when you've put all the legislation together — and it's *The Saskatchewan Employment Act*, but really it's the essential services Act — but there's also this piece in there called WHMIS. WHMIS is very important, and I do feel, like I'm hoping that in the future that we will see . . . Something like this should have been really two bills because essential services is important by itself and WHMIS is important by itself. And having the two, I know myself, for example, and many others . . . And as the title implied, it's the essential services Act, and inside it's talking to WHMIS.

I'm forgetting the term when you have many things inside one bill and they don't deserve the attention that each piece gets. And I would hope that, and this will be a question to the minister: is it the intention to have, when you're amending the employment Act . . . Because as we know, there are 12 pieces of legislation rolled into that one Act, that when you're bringing forward legislation like this it will come as one huge piece. And really they should have been three or four pieces of legislation so that each one deserves the attention it should get and it will get that attention. Because here, you know, WHMIS and occupational health and safety is a huge, huge issue. And I know today I'll be focusing largely on essential services, and we really haven't studied the WHMIS part as much as we have.

So my question to the minister: is it the intention into the future years that we will see something like this where we'll have two or three pieces that should have been . . . two or three pieces of legislation now rolled into one?

Hon. Mr. Morgan: — You know, I think the term you were looking for was whether it would be an omnibus bill. But in this case the amendments all deal with *The Saskatchewan Employment Act*, so everything that's in this bill deals with changes to that one Act. So it's appropriate and would not be

regarded as an omnibus piece.

I think the point you make though about wanting to have individual priority or consultation is probably an appropriate one. And while we may in the future want to do things as part of one bill or make the legislative process more straightforward by having, you know, one bill that deals with a number of things, the point you make about wanting to focus on the various things that are in there is a valid point. And we'll certainly refer it back to the officials so that they know when they're bringing something forward.

I can tell you by way of background that the WHMIS piece was something . . . It's a globalization piece all the way across North America. So the officials started working with their counterparts, and then what we had concerns of, with our current legislative calendar and the election next year, we didn't want to have to postpone that any further.

What it is, it's a standardization of labelling. You are likely aware or most people would likely be aware that WHMIS was introduced in the late '80s or early '90s. It required standardized labelling on materials that were used in a workplace that weren't household goods. So if you had a cleaner or something like that that was used . . . [inaudible] . . . it wouldn't be there. But if there was other things such as — in yours and my jobs — photocopier toner, they would have to have that. So the information includes a list of the contents that are in it, what you do if you've accidentally come in contact with it, whether it's caustic, whether it's . . . what your instructions were if you've ingested it.

So there isn't a change to what the requirements are, but it's a labelling standard. So that if you come here from another jurisdiction, another place in Canada, another place in North America, you'll be able to look at the package and the package will be exactly the same as it is or the labelling requirement will be the same as it is in Wisconsin, Mexico, or Saskatchewan. So that's the rationale. And we did not want to be one of the last jurisdictions to have adopted it.

So we haven't done a lot of consultation with industry — do you like this particular term or that particular term — because we're adopting a standard from somewhere else. We certainly sent it out to employers in the province and said, is there an issue? Or we sent it out wherever it was, not expecting to hear back. And the feedback that we received back was to the effect of, oh yes, this is a standardization process. Those people that work in the safety industry appreciate that and were encouraging us to go forward with it.

[16:15]

So we felt it wasn't inappropriate to try and deal with that one at the same time as this piece, and we likely would have brought it forward as a stand-alone if the essential services piece wasn't going . . . [inaudible] . . . But obviously the essential services one is, from a timeline point of view, critical because the extension granted by the Supreme Court runs out in January of next year.

Mr. Forbes: — And I appreciate that . . .

Hon. Mr. Morgan: — Sorry for what was a longish answer.

Mr. Forbes: — It was a very good answer. I appreciate it, because I think that it does deserve some attention and some history to the folks watching at home. I remember when this was introduced in the '80s, and it's a very important deal. And I know that standardization is hugely critical, especially as we have newcomers coming to the province and the workforce has grown. So it's very important. And I do want to thank the staff. And we had the tactical briefing that they made this part of it, and it was very good. So there was no real concerns.

But I just want to flag this, and I just wanted to say that, you know, I would think in the future, if there's major pieces of legislation like one that's talking about employment standards, and then you have, you know, bargaining and essential services, some of those things, it's going to be a tough thing when you have one big piece of legislation to make sure legislation that comes forward gets the due attention. So that was my point.

And at that point, I want to get back to the thank yous and get back to the start because I do want to thank your staff for the good work that they've done, and I appreciate that. The technical briefing, I appreciated that. And all along I felt that, if we needed some answers, we could have got them. And yourself, being available. So that's very important.

I do want to thank the six that were part of your committee, and you've named them so I won't name them again. But I want to say that it's really important because, as we've come through this long journey, there is a point where some people have to sit down and actually put pen to paper and resolve this issue. So that was good. I want to thank the leaders and the people you've consulted.

You know, obviously from our side we've heard an awful lot from labour leaders, the current ones, but also the ones in the past eight years who've brought us to this point. I think that they've done a fantastic job of working to preserve the rights of their people, their workers. And that's important, especially the public sector workers and the SFL [Saskatchewan Federation of Labour] and the Canadian Labour Congress who've all been watching this, and the national union of public government employees — many, many organizations who have fought hard and brought forward . . .

And we can just look at the beginning of the Supreme Court ruling, the people who were involved on both sides that deserve credit for making sure we had a very thorough discussion by the Supreme Court of Canada. And all of those folks deserve a lot of credit and also the workers of Saskatchewan who've watched this for many years to see where we would go, and the people of Saskatchewan as well.

I was just reading, doing a little history, reading about when this all started and the second reading debate, March 11th, 2008, and how things all started out from there. So here we are now. So that was that, but I do want to, you know . . .

And this is all about the quality of the bill here before us because we've had pieces of legislation before us come forward and have failed. And so this, I just want to talk a little bit, Mr. Chair, about the integrity and durability of this piece of

legislation and whether this government has confidence in it to withstand challenges. We've had two bills go before it that have failed. I'm just curious about the confidence in the minister on this bill.

Hon. Mr. Morgan: — We had the initial bill, Bills 5 and 6 that actually went through the court in tandem. Initially at the Court of Queen's Bench, Bill 5 was struck down; Bill 6 was upheld. At the Court of Appeal, both bills were upheld. At the Supreme Court, 5 was struck down; 6 was once again upheld.

We drafted the bill that was never proclaimed as part of the employment Act sort of in a bit of a vacuum. We knew that the court proceedings were under way, so we did our consultation. We met with labour leaders, the advisory committees, and tried to craft in that piece something that we felt would comply with what we anticipated the Supreme Court might do.

We expected they would have, based on other comments, there would be, they may well strike down Bill 5. But what we were hopeful of was that we crafted something that would be workable and would stand up. That didn't happen, so it was back to the drawing board again.

We now have the clarity of what the Supreme Court has directed and setting aside the dissent opinions in the Supreme Court — which are significant — but setting those aside, going by what the majority of opinion was, we sat down and said, okay, what will it take to comply with this?

So the six people that were tasked with it, two of them were lawyers, one within the ministry, and one from the private . . . [inaudible] . . . and the direction we gave to them is, what can we craft that will comply with the Supreme Court and have some comfort level with both organized labour and with the employer status? So we had the three circles in the Venn diagrams. And where the overlap of the three was, and to be candid, it was a small point. And when they started out in search of that point, of that common overlap, I wasn't certain that it existed, or if it did exist, that they were capable of finding it.

They came back and said, we believe that we have. And then when I first heard that their intention was, or the recommendation was that we not include it in a definition of essential services, I thought, my initial reaction was probably the same as what yours was — well I've just kicked the can down the road. They haven't achieved anything. But the reality of it was, what they identified was the different circumstances that would take place within each workplace, the different size of a bargaining unit, the different nature of duties that were to be performed, how that might be held up in comparison with what other services might be available and a variety of other factors that might be there. So when you thought about it, with the process that they went through, it was exactly the right decision.

So the answer to your question is that I believe that this will stand up. Now I can't guarantee that somebody will not challenge it later on. But organized labour has said we want to try this; we can't guarantee that it's not. They can't commit to and we can't contract out of what the Supreme Court says. So somebody may come along a month, a year, or a decade from now and say we want to take a run at this.

But I have zero appetite to spend another eight years before the courts. I want something that I believe will (a) satisfy the court and be acceptable to both the employer and the employee side. And I give a lot of credit to the six for trying to find that overlapping point. So (a) I think we have something that will stand up to court scrutiny, and I'm hopeful that it will continue to be satisfactory to organized labour and to the employers' side. It is a marked shift from where we were prior to the decision coming down.

Mr. Forbes: — Okay, thank you. So when you did that, when you had the six people, where did you work? Was it in your offices or did you . . .

Hon. Mr. Morgan: — You're asking whether I had them over at my home for sleepovers and did they bring their jammie jim-jims?

What I did was . . . I was meeting periodically with Larry Hubich, the president of the Saskatchewan Federation of Labour. He passed the comment one day, if we took some of your folks and some of our folks and we kicked the politicians — as in meaning him and I — out of the room. And I think we had banter about that we would lock them in a room and not let them out until they come out with something. Well we didn't go that far.

But what we did was, I said to him, you know, I want to consider that and I want to see whether that's a workable option. So I went back and said to some of our folks — we had some internal . . . as who they might be.

So we asked Susan Amrud from the Ministry of Justice — didn't draft any of the previous legislation but certainly one of the senior advisers within the ministry. I also asked Pat Parenteau who is probably the most apolitical person in the world, and Doug Forseth who is a negotiator with SAHO [Saskatchewan Association of Health Organizations] and actually lives the process.

I said to Larry, these are the three that I'm thinking of putting forward. So he came back with Jim Holmes, Ronni Nordal, and Hugh Wagner. Hugh Wagner as you know is long standing with the Grain Services Union. Ronni Nordal is an independent lawyer with Richmond Nychuk and does almost exclusively labour law, and Jim Holmes who is a CUPE [Canadian Union of Public Employees] rep. So those are the six that were there. So we had one meeting with them in this building, room 131, and said okay, these are the parameters that, you know, we think you need to work in. You're all aware of what the Supreme Court said. We're asking you to go into the process not as representatives of those groups that you may represent but as a task to try and find whether that overlap exists.

And we said — the deputy minister and myself — we're out of the process. You could come back, tell us if you need more room, more food, whatever else. And I think over the summer months they met, I think largely in this building, and had a handful of meetings. We'd go back and sort of consider and come back. During that period of time I don't think any of them did any significant amount of consultation with anybody else,

because that wasn't their purpose, to gather information. Their purpose was to look for the process that would work and would comply.

So they went back and forth and then they came up with initially a flow chart as to the process. You know, is there essential services, yes, no? Can you get to an impasse? Do you have to . . . you know, and then listed the different steps. And I'm sure you've seen the flow chart.

So they came back to us and said, this is what we think would work. So we had some discussion with a few other people and we made some fairly minor changes to it before we crafted the legislation. And what one of the things that was changed on it was, there was a cooling-off period; it had in the old legislation been 14 days. There seemed to be a common desire to reduce that, that it was unnecessarily long. And I can't speak to what I think it should or shouldn't be because I don't have an opinion that would be based on anything. But it seemed to be, everybody felt it should be shorter. Some people said we ought to measure it with a stopwatch. Other people said we ought to measure it with a multi-year calendar.

So anyway, the consensus seemed to emerge from the six that shortening it from 14 to 7 days was an acceptable thing. The other thing that we took out of it was, to determine whether a strike was a substantial impairment or not, it had to go for two weeks first. And after some further discussion we said, do you think that's a necessary thing? And they thought, well as long as there was another method to determine whether it's effective or ineffective. To go out and be in the workplace and have the process taking place didn't seem to be terribly productive and may actually be counterproductive to the process.

So those were the couple of changes that were sort of made after they came back, and then we asked the folks in Justice to prepare a bill reflecting those things. So that was where it came from and it was introduced.

I know people would have liked to have had access to the full text of the changes prior to that, but you can't do consultation based on a bill unless it's already been introduced in the House. So I was watching to see carefully what kind of things people were raising afterwards, and I haven't seen anything that's been hugely problematic so far.

Mr. Forbes: — Well what I'm really getting at, you know, I wrote you a couple of written questions and I was kind of amazed at the answers to them. And I've been criticized for using the word, off the side of the desk, and I don't know whether it's rightfully so or not. But I think that this whole bill and the approved ones previous to it have taken the government's attention.

And so just as I'm listening to you speak, and when I did ask on question 1,018, "What were the costs, including public consultation, public relations, legal services, and the costs of any work done by consultants associated . . ." And then it went on with Bill 183, an Act respecting employment standards, occupational health and safety, labour . . . That's the title of Bill 183.

[16:30]

And your answer was, "Outside of ongoing salary costs, there was no cost . . ." for any development. So now I guess I'm just finding it so hard to believe that after all these eight years, this long, long journey of essential services costs the government nothing. I mean I'm quite, quite amazed by this. I mean even . . . Did you not buy these folks sandwiches?

[Interjections]

Hon. Mr. Morgan: — Yes, I don't think in this building we break out the cost of coffee. But they used the office space that was available in this building and perhaps anywhere else. The ministry room?

Ms. Parenteau: — No, actually just here or once at another firm.

Mr. Forbes: — And you did it all during business hours?

Ms. Parenteau: — Yes. Oh, no, we worked on our own time on a couple of weekends.

Hon. Mr. Morgan: — I have never signed off for overtime for Pat. So no, it was done and I thank the people for doing it. In Pat's, Susan's, and Doug's cases, obviously they regard this as part of their employment. The simple answer is they were using rooms that were empty here. And yes, there would have been a coffee cost.

Mr. Forbes: — But you know, and I've been through this process when we make budgets and people say at the beginning of the year or probably about this time, so what do you plan to be doing next year? And I think last year we didn't know at this time the Supreme Court ruling, and so it would have been prudent to say to some of the staff that you may be doing some work on . . . Unless you were really confident you were going to win, and you said no, there was, you know, this was all done and 128 was going to be good and we are finished with essential services.

But you must have . . . Maybe last fall you were really confident that you wouldn't be doing Bill 183.

Hon. Mr. Morgan: — No, I didn't have that level of confidence after I knew the Supreme Court application was under way. I spoke with people during and immediately following that and said, what is your anticipation of the outcome? And the thought was that Bill 5 was going to be struck down, which was something we'd expected. And my next question was, is the bill that we have drafted but not yet proclaimed likely going to be upheld? And the answer was they didn't know, that we should expect some changes. But until we saw what the Supreme Court said, we weren't able to plan or do anything in advance of that. We had done sort of everything that we thought we could do when the bill was, when *The Saskatchewan Employment Act* was originally done.

So since the decision of the Supreme Court's come down, the work was largely done, you know, through mail or on the website, but there was not a cost item to that. And it wasn't an idea that we were going out of our way to be frugal. That's the way it worked out, and I give our staff credit for being frugal all the time.

Mr. Forbes: — So you don't have a tracking system for different projects within your policy. You just go in there and you work and you just . . . there's no . . .

Hon. Mr. Morgan: — Same way you and I do it.

Mr. Forbes: — Well funny, I mean, I find it odd because, you know, I would anticipate that there would be some, you know, some model of almost like billable hours. Like you say, I have to work half-time on this project, or I have to work three-quarter time, or all my time is donated to this initiative because we've got to get it right.

And that's where my "off the side of the desk" happens. You have your A priority, where you say, Mr. Minister, I have to work all the time on this A project and I've got to get it done because I know you want to do it. And then I have a B pile, and I might have a C pile. And I've got another pile where I may never get to it, and that's where you really don't track time. But A is the one, the A pile.

So I would imagine, this has got to rank as A, an A-list project.

Hon. Mr. Morgan: — I would expect it was. I think for any lawyer, a trip to the Supreme Court of Canada is one of the major events of their career. We have, within the Ministry of Justice — and I'm not the Minister of Justice — but we have some of the finest constitutional lawyers in Canada that do superb work. I know the Minister of Justice took some umbrage with your comment about doing it off the side of their desk, and I understand how you might have meant that. But that is their job. They work on that. They've got a variety of different files, and I couldn't tell you whether they have three, five, ten, or fifty files on the go at any given time.

But I know that's part of their job is to read decisions of all types that come down, review proposed legislation. But I couldn't tell you how many hours or minutes or what percentage of their time came . . . We know they didn't hire any additional people. This was part of the job of the in-house counsel at the Ministry of Justice.

Mr. Forbes: — And I agree. I'm familiar with some of those folks and they are incredible people. That's why I was surprised when I heard that it didn't cost any money. Because I think these folks are outstanding folks, and if they do any tracking of their work in their office, which I would assume . . . Because I just think that, you know, I know this government takes itself . . . has a lot of pride in lean and a lot of government initiatives that have done away with sort of the old style — you just walk in the office and you start working on the pile.

Like I would assume that this bill would have had some sort of parameters of planning about how you do it and not just, as I say, off the side of the desk. I can't believe that actually, and I think that's where I was kind of misunderstood in the press. Because I think every public servant has a lot of pride in their work, and the ministers do too. You give it your best shot as you don't want to be talking about this for another eight years.

So when I just heard that there was no cost, I couldn't believe it. But we come before public accounts, and I'm just talking about this bill in particular and this ministry. We'll have a conversation with the minister when the time comes about that. But I feel like . . . I'm just surprised that we could say that Bill 183 cost nothing. And you know, going to the Supreme Court, there must have been some time after January 30th where you gathered the folks together and said, we've got to do something here; what's the plan? I can't believe that that didn't happen. There must have been some significant plan to say, how are we going to respond to a Supreme Court ruling?

Hon. Mr. Morgan: — I think, you know, we carry on as being part of . . . The ministry has a variety of different tasks they do through the year. They deal with all kinds of issues both in workplace safety and on the labour side, and this falls within the scope of that. So the question was, was there any additional costs? And the officials are telling us this fell within the scope of what they regarded as their ordinary duties were, and they didn't incur additional costs by virtue of having done that.

We also have a ministers' advisory committee that meets a few times a year. It was certainly discussed at the ministers' advisory committee. I think we had a telephone meeting, and I think it was discussed at an in-face meeting, but it was usually discussed as one agenda item of a number of agenda items. So as far as incremental costs that wouldn't have been incurred, you know, there is no doubt a substantial amount of time was spent by constitutional lawyers and drafting lawyers and by the three people that were there, but it was time that they were spending as part of their employment.

Mr. Forbes: — If I've used the word additional, I know that additional is not used in the written question, and it just said, what were the costs. And what were the costs?

Hon. Mr. Morgan: — We're saying that there are no costs related to it other than the usual everyday operations of the ministry, and there were none breaking out with regard to this project.

Mr. Forbes: — The next day after January 30th and everybody got the ruling, then the deputy minister or yourself would have gathered folks together and said, listen we've now got a new . . . or the priority continues. Were you able to look after all the initiatives that you had planned? Or did you say, you know, we're going to have to put something aside because this is going to take all your time now because we've got to resolve this issue?

Hon. Mr. Morgan: — No, at the time the decision came down I was away, and certainly talked to people on the phone and read, you know, what was taking place. But the initial reaction was, it's going to take some time to read and analyze the decision. So it wasn't a matter of getting everybody in the room and saying, we need to do something immediately. It was the lawyers in Justice wanted to have a look at it and make some assessment and determine what was there. And then I think we had the regular briefings that we have when the staff from the ministry come over, and we sort of say, okay, where do we go forward? What are we going to do? And then we considered various options during those discussions, and this was the path that was followed.

Mr. Forbes: — And I assume when you said somebody was doing the additional reading and analyzing, that's over in

Justice. Nobody in Labour was actually doing that?

Hon. Mr. Morgan: — I'm sure each of us read the decision and gave it . . . [inaudible] . . . I'm sure the deputy minister, the ADM [assistant deputy minister], and probably a fair number of the people read the decision and probably read it a number of times. So if your question is, did we spend much time reading it, you bet.

Mr. Forbes: — Well, and that's what I'm thinking. You would have. And I would have expected no less, because you have really good staff and they're very concerned. But my question is that I can't believe that didn't affect something else they had to put aside, that they could have . . . I don't know if they were waiting for the Supreme Court ruling and saying — and if they were, it gets to my original point of planning, that they were anticipating that — I'm going to have to spend a couple of weeks on this. Therefore it cost the people of Saskatchewan some money because they weren't doing something else.

Hon. Mr. Morgan: — I suspect what took place was there was a fair number of officials — I can think of one or two in particular — that were doing a lot of evening and weekend work reading and doing stuff like . . . as far as additional cost to the taxpayers, there wasn't. As to wear and tear on their ability to continue, they did yeoman's duty — not wanting to use an old term — but they did extra duty to do it, for which they weren't compensated.

Mr. Forbes: — I appreciate that. But I think that we're really ducking the question when this exercise, for the last eight years and this particularly one, and the last few months the bill, didn't cost the people of Saskatchewan anything. It did cost them something.

Hon. Mr. Morgan: — You know, the questions were posed. We indicated to you that the staff time was staff time that was spent. They clearly worked some additional hours, which they regard as what they've done. I think we've indicated what the court costs were. There was, you know, travel, court filing costs, etc. But as far as drafting the new bill, it was one that was drafted by the legislative drafting team at Justice and within our office and there was not outside costs incurred.

Mr. Forbes: — Well, and I don't want to belabour this point because I think we're going to have to agree to disagree, because I do feel that there were, at the end of the day, costs that can be identified with the development of this bill and costs that could be identified as having to have responded to the Supreme Court of Canada ruling. As you said, that they got the work done.

But that still is the fact that, you know, I guess that in a perfect world there wouldn't be all these challenges to labour or to legislation and people would expect or accept legislation. But they don't, they challenge them, and that's the rightful thing in a democracy. But as I say, the full accounting of what this journey along essential services, to say to the people of Saskatchewan, well it's just business as usual, that's a little misleading I think.

And I really challenge the minister and the ministry to become a little more clear to the people of Saskatchewan about what this really costs. Because when a province goes to the Supreme Court of Canada, everybody's watching. Everybody's watching, and everybody's watching this.

Now we're all kind of ready to turn the chapter, and we think this legislation is a good start to turning the chapter. But to finish off, we have to have some level of accountability to say, you know, this was pretty special because we went to the Supreme Court of Canada. I mean there's a couple of special things that came out of it. One, and the minister has acknowledged this, the right to strike has now been enshrined through the Supreme Court of Canada. And whether or not the government meant to do that after eight years, I don't think that was the intention, but I think that the labour movement across Canada has really appreciated that. But this is a significant moment and as we're coming to the final moments of maybe essential services, and it's kind of ending with a . . . not with the blasts and the whole great speeches that we had a few years ago.

[16:45]

But I am, I am . . . This is something I'm going to be on a tear for for a year, a couple of years, Mr. Minister, because I think we need to get an accounting of what this really cost. Because as you were saying earlier, the people reading it at night, to me that's like off the side of your desk. You should have been saying, don't read it at night. Read it during the day at your office and make it a priority.

Hon. Mr. Morgan: — They may well have read it at their desk. That's their job. That's what they do. That's what their function is. I'm hoping that out of this in the long run we save money for the taxpayers of Saskatchewan. I'm hoping that we don't spend more time in the courts.

I'll give you the history of where we are with essential services history in our province. In 1966, the province passed essential services legislation. It was amended twice in 1970 and '71. It allowed for the Lieutenant Governor in Council to proclaim a state of emergency and then the parties would be required to go to binding arbitration. During that time — so this goes back into the '60s, '70s — during that time no strike or lock-out could occur. It defined states of emergency; life, health, or property in jeopardy; and employees operating hospital services. That legislation was repealed, and it was before yours and my time, in 1971.

So we had legislation from 1966 to 1971 that appeared to be working, but it was repealed. I can't speak to what happened when it was repealed, but between 1971 and 2000, we had back-to-work legislation on nine different occasions — five by the NDP [New Democratic Party], four by the Conservatives: SaskPower in 1974-75 and again in 1998; dairy producers in 1979-80 and again in '83-84; CUPE-SAHO, '81-82; Cancer Foundation, '82-83. And you know, the Conservatives came into government in '82, so it was before that. Then again, SGEU [Saskatchewan Government and General Employees' Union], '85-86; University of Saskatchewan, '88-89; and again under another NDP government, SUN [Saskatchewan Union of Nurses] in 1999.

So clearly we haven't had a good history of resolving things

that you and I would regard as essential or very important to us. So I can't speak to what the history was between '66 and '71, but I can say that now I want to have something in place, and I'm sure that you do as well, that works and gives the people of the province the right to know that their safety and security is protected, and we know that where we are taking away a worker's right to strike, that that worker will have the right to another alternate, appropriate method of getting a contract.

And I give full credit and full thanks to the six and also to the people that worked in legislative drafting and the people that work in the ministry. They say they did it during their time or during . . . without incurring extra costs. So I take them at face value, on their word and say that, thank you very much for the good work that they've done. And I hope that they have given us something that both of us can regard as being workable over the next number of years.

Mr. Forbes: — I appreciate that. I mean, I appreciate your timeline there. And of course, we would know that '66 to '70 was the Ross Thatcher years, and that was a stormy time. And then when I think there was new legislation that was repealed by the Blakeney years. And of course Blakeney was premier during a few of those, and I think he paid the price once in '82 for that. And probably people would argue in '99 as well that there was a significant price paid for that.

But that's fair enough, and I appreciate that. But I want to talk about . . . And it's interesting that you bring that up because this is the whole necessity of this legislation. So you're saying you're talking about the nine times since it was repealed in '70 to now, which is some 45 years, but the last time you talked about was '99. So we haven't had anybody forced back to work. We've tried different techniques. And I know that . . . so during this past eight years that you folks have been in government, Sask Party has been in government, you have not forced anyone back to work.

Hon. Mr. Morgan: — During that period of time though, Bill 5 was in place. And as much as Bill 5 wasn't something that was a preferred . . . [inaudible] . . . the fact it was there, people sat down and worked. I think you'll recall one of the earlier statements that both I and Larry Hubich had made was, why do you need to negotiate an essential services agreement? Why don't you just sit down and make a deal?

So I think there was a lot of that taking place during that period of time. We don't want, we don't want to have to be dealing with what was essential services or not. Why don't we just sit down and look at what the issues are and see where we can make the best possible deal that we can? I think all of us are firm believers that the best deals are ones that were freely negotiated at the table rather than mandated either by way of an arbitration process or by way of legislation.

So during that eight-year period since Bill 5 has been there, whether it was a factor or whether it was a matter that we had skilful bargainers on both sides, I don't know. But I'm glad that we've had reasonable stability during the period of time from the time we formed government. And I think the four years before that when we were in opposition there appeared to be a reasonable period of stability as well.

Mr. Forbes: — Now, and maybe your officials can help you with this. Was there any special tools that were used during that time for difficult bargaining situations, contracts that seemed to be . . . or bargaining that was going off the rails?

Hon. Mr. Morgan: — I'm going to talk to one of the officials just to . . . We have under the employment Act, and we did under previous legislation, have the ability to appoint conciliators, mediators. You're likely aware we had . . . Mr. Rusnak helped us with the teachers' contract. We also had Richard Horning, rather — sorry — and Andrew Sims that did the next one. So we've used outside people to try and do that.

So I think there was a growing level of sophistication on the part of negotiators on both sides, and people were willing to sit down, roll up their sleeves, and do it. There seems to be a greater understanding all the way around that people will look at Western Canadian averages. So it's not a matter of just sort of saying we want this or you're going to take this or whatever else. It's a matter of saying what's the grid, what's the framework.

The historic number that I've been given is 98 per cent of them are settled without a dispute, 2 per cent have some form of dispute that requires outside resolution. So hopefully we can stay within and get the 98 up to a higher level.

Mr. Forbes: — Yes, thank you. The thing I was getting at and the tool that I was thinking about was the number of times we've used a special mediator. And a lot of people, you know, out there — and I know often in the media — don't really understand that term. They just think, when you use the word "special," that it's a, you know . . . But that is the term to be different. But it seems to have more clout than the ordinary or the other kind of mediator and it seems to have worked.

You know, when we were in power, we used it two or three times, sparingly because we have to use it at the right time. And I think you have used it a few times with good results. Can you speak to that?

Hon. Mr. Morgan: — I can. We had Richard Horning do it as a special mediator. We had a long debate at the advisory committee as a difference between a mediator or a conciliator or an arbitrator, and we came up with a variety of different definitions. The only thing we know is that an arbitrator has a role to try and make a binding decision, but not necessarily unless it's regarded as a binding arbitrator. So I think there are a number of individuals, Richard Horning being one, Vince Ready. There's some of the others that you might bring in as a special mediator.

The fact that they don't do it . . . And as you say, it's not done on a frequent basis. They come in regarded as being objective and neutral. And they go back and forth and they have credibility with the parties and are able to go back and say, reassess your position on this; reassess your position on that. Do you understand this; do you understand that? And then I think as they go back and forth, and they do a little bit of shuttle diplomacy going back and forth, they say, okay, I'm obliged to write a report at the end of this. If the report was binding, this would be what you would be stuck with. So they would write a report that would outline what the positions of the parties are

which would come back to, well, to the parties and usually be made public.

But also they often will say, but I'm going to put in what I would do if it was a binding arbitration. And even though it may not be a binding arbitration, the fact that they've made the threat that it would be, often people will go back and say, look, this is as good as it's going to get. The mediator has said that. And then they'll take it back to their membership and say, give us a chance to see whether this can be ratified. We'd like to recommend this or recommend that. And it gets people off of positions that they're there.

I think for unions it's challenging for them to try and sell a particular position to their members. They go into negotiations, and they make a lot of public statements: we think you're entitled to 25 per cent or whichever it is. Well their own members hear that. They can't go back to their members and say, we're not going to get you that. That's, you know, the positioning that we take in advance of getting a settlement. But the members see that, hear that, and then they wonder later on, well why are you backing away from that position? And the reality of it is, that's there, and I think a skilful union leader can do that, and I think probably too on the employer's side, probably to a lesser extent because you can do it.

But when you've got, for example the number of teachers you have or the number of nurses, they hear what's taking place at the bargaining table. They hear what's in the media and they expect . . . So it's hard for the bargaining committee to come off of that position and go back to membership and say, this is what we really expect and this is where we're really going to need to be.

I think there's an analogy that when you're buying a used car, you go in and you offer way less than what you know is going to pay, and you know, you go back and forth. And it's, you know, the numbers that are there are what are used for bargaining. And it's the same kind of thing when you want to get to an end point.

Mr. Forbes: — I've found, you know, it's by my experience that what works well, what's pretty powerful for the special mediator is the ability to make the report public. That is something that, when you're getting into bargaining, that it's a pretty special, you know, when somebody's going to say, we're going to make this public. And that's not something to be taken lightly because the rest of the world now comes to know what people, what's a reasonable expectation from both sides, the employer and the employee.

And so that's the thing that I have found, and I have found that tool really underutilized, even though you have to use it with a certain time. But I find that this is why I'm thinking about, is this really necessary? But we are here where we are. But we have a lot of tools in the tool box that are pretty effective, and have been effective in the past, and have been seen to be pretty apolitical.

And that's the other thing about a special mediator when they come in. They've been seen to be non-partisan or political or trying to get something done. They've been pretty straight-up, because their reputation is also on the line. If they make a report public that is not within the common-sense landscape of Joe and Jane out there in the world, people know what they've been getting in their paycheques. They know the cost of living that's been going on.

And so, you know, when a group has gone to action and there's a mediation, other people have a sense of what's fair and what's reasonable. And so everybody involved in that process when a report is made public, their reputations are on the line and the threat of that.

And I know, for example, there's been some . . . I think of a couple of strikes where the report, when it's been done, has not actually been made public in the end because people have resolved the issue before. But the worry, well, the driving factor was making that so. So that's my point about that and I don't know if you want to respond to that.

[17:00]

Hon. Mr. Morgan: — I am. I absolutely agree with you. I think the report from the special mediator, whether it's made public or not, is usually the tool that gives the parties the ability to dismount from what was previously an untenable position. At that point in time they're able to reflect back and say, okay, members, this is what they say. And then it gets people focused, not on what the positions were before but on what the mediator has said and the fact that, if that gets public — as it often will — then they have to justify what their rationale was for not accepting that.

And you're absolutely right. Then they go back and say, no, it's there. To some extent, it's a bit of buck-passing. It's oh well, this is what the mediator has said. This is what we're going to get. We might as well accept it. It's not our decision anymore. Either way, it gets people to where they need to be. And I certainly agree with you, it's a tool that should be used, but should be used . . . It's one in the tool box that needs to be used.

We also have got the mediators within the ministry that we can assign, and do it on a fairly regular basis, that go back and forth between the parties. They've got good success in the private sector because they're seen as being totally outside or totally removed from the governmental process. So we will regularly assign . . . I think Doug Forseth did any number of those type of mediations before where he was working with private sector employers and got some good results or got fuel to move without being regarded as a special mediator or without having the expense of bringing somebody in from out of province.

Mr. Forbes: — So those are the points I wanted to make about the necessity of this and I've covered the cost. Maybe we'll go right to the end of the Act. So this bill will be proclaimed; that's how it goes into law. So when the Lieutenant Governor comes, she does her royal approval, but it doesn't become law that date. It's not on assent. So what is the game plan for how this will play out after?

Hon. Mr. Morgan: — Mr. Carr's advised me that the bill in its present form is ready to go in and could come into force relatively quickly, but they needed to do some regulations on the WHMIS side. So they would need to get those into a cabinet meeting relatively soon. I'm not expecting those to be either

problematic or, you know, they'll have the technical complexities that those type of things would have. So it would come, you know . . . We'd look for a proclamation date sometime prior to the expiry date in January when the Supreme Court . . .

A Member: — Before January 30th.

Hon. Mr. Morgan: — Yes. The other option would be if it had to be delayed beyond that, we would have to apply to the Supreme Court for an extension, which I suspect . . . I can't speak for the Supreme Court, but knowing that the process has been under way, I suspect that we would likely get the extension if it was necessary. But my goal would be to have it enforced before that.

Mr. Forbes: — And you can proclaim part of the Act. So you don't have to necessarily wait for the WHMIS stuff. You could . . .

Hon. Mr. Morgan: — That's correct.

Mr. Forbes: — I think that people often get confused about what happens at the end when we have some bills that go into effect right away and others wait for . . . [inaudible] . . . So what you're saying is that there are no regulations that are necessary for this part of the bill.

Hon. Mr. Morgan: — No, the Act has got the ability to make regulations for virtually everything that's in it, but this would likely go forward without regulations at this point.

Mr. Forbes: — Without regulations. Okay. So now I know and I've been . . . You know I've done my own consultations, so excuse me if I seem to repeat some of these questions, but just for clarity and people who are watching at home or if they're reading *Hansard* tomorrow, they do want to know. So since January 30th of last year, essentially there's been very limited consultation. Can you outline again the consultation you did, because you did some in the spring. Or did you . . . Can you go through the year . . . [inaudible] . . . to where we are right now.

Hon. Mr. Morgan: — Sure. I'm going to let Pat go through sort of the process that was . . .

Ms. Parenteau: — We started the consultations in May — the first phase. That went to the end of July, early August. From that we heard from a number of stakeholder groups. And then we also had a secondary one after the work of the working group and that ran from the beginning of September until the end of September and after that drafting of legislation.

The second phase involved over 135, 140 letters being sent out to organizations of which we met with 39 organizations and received 17 submissions. One of those submissions was a group of health regions as one.

Mr. Forbes: — So can you tell me who were the 39?

Ms. Parenteau: — I can give you . . . Most of the unions provided submissions because we sent to 19. Excuse me while I just dig. I apologize. For the second round of consultations we heard from, as I said, the health regions. We heard from SUMA [Saskatchewan Urban Municipalities Association]. We heard from SaskPower, SaskEnergy, the Public Service Commission on behalf of the government, city of Saskatoon, the city of Regina, as well as I said the health regions, then we had the University of Regina Faculty Association, the Sask Polytechnic Faculty Association. We heard from SUN, SEIU-West [Service Employees International Union-West], the police officers' association, Health Sciences Association, CUPE, and SGEU.

Mr. Forbes: — Did you do a summary for the minister of what the consultations were really saying? How did you summarize this?

Ms. Parenteau: — We didn't actually . . . It was a verbal summary to him during a meeting.

Mr. Forbes: — So what were you hearing? I mean this is in response to the Supreme Court ruling. They were all aware of that. It was post-January 30th. What were the folks saying?

Ms. Parenteau: — There was a general feeling . . . I would say when we first talked to them, we talked about the initial process, so it's not what we see now in the bill per se. But there was differing opinions about what the definition of essential services should be, whether there should be one or shouldn't, on both sides. Some agreed that the definition should be gone on organized labour. Some said no, we should have a definition in place. Some employer groups were of the same mind. They weren't sure which it should be.

There was some concern with the binding arbitration process, just the potential delays for both sides, the potential costs. What else was there? There was just the idea of having factors included, you know, similar to the firefighters, the factors that are included in, I believe, 6-90 of the Act there. There's certain things that they are to look at when making a decision.

Organized labour, a number of the ones we heard from had specific concerns with the delay, as I said. They also believe that union should be the ones that determine whether the . . . was substantial interference in a strike.

Mr. Forbes: — Was there a sense of learnings from the Supreme Court ruling? Was there . . .

Hon. Mr. Morgan: — A sense of what?

Mr. Forbes: — You know, after six years or seven years of going through this whole debate about how to do essential services and then to have the Supreme Court ruling come down, was there a sense of a reflection of saying okay . . . Or when you talked about the process, were you talking about a solution that you are putting forward that you wanted them to reflect on?

Ms. Parenteau: — Yes, that was what we were looking about.

Mr. Forbes: — Okay. So you really didn't talk about the Supreme Court ruling at all.

Ms. Parenteau: — Well we talked about how would we comply with the Supreme Court and the working group's result of that; do they think that that met with what was the Supreme Court's vision.

Hon. Mr. Morgan: — There was a lot of commentary on the Supreme Court's words regarding what was an essential service. They focused on that and said, this is important. You can't change that. And then they also made reference to the ILO [International Labour Organization] because by reference the Supreme Court has accepted the ILO definition which is somewhat broader than what the Supreme Court itself says. So that made it more difficult to try and find wording that would create it.

But virtually every one of those submissions emphasized the fact that the Supreme Court had ruled on what an essential service was and that they were urging the government to accept that and to . . . So we felt in the drafting process that we were going to have a hard time finding something that was workable, given the complexities of the workplace. But we certainly accepted that to the unions and the people that were consulted, that that was something that was absolutely critical to them, was what was an essential service and how they read the decision of the court and also how they read the ILO words. So we accept what the court says, and that was certainly reflected as well in the things that were there.

The other thing that Pat mentioned was the process for final resolution. And there was some commentary about, oh, should it be a single arbitrator or a panel of three? Should we consider final offer selection as well? And then this seemed to be the one that was most workable and the least destructive towards what was taking place in the workplace. The idea of final offer selection, you know, there's a very clear winner and a very clear loser at the end of it. And so it may have, in the run-up to it, forced people to a common position. But on the other hand, if you don't, and you do end up before them, it's either all one way or all the other. So we didn't feel that it would leave the workplace in a good place to go forward. We just didn't like the option. But certainly it was raised as an option that should be considered, but we just lacked a comfort level with that. So this was the option that we've chosen.

A single arbitrator, you have . . . You know, periodically where you would see a single arbitrator would make a decision that you couldn't reconcile with anything, you know, it wasn't consistent with this. So we felt by having the panel of three, you would have input from each side. You would get a decision, hopefully, that would reflect the positions of the parties. And at a bare minimum, the arbitrator writing the decision would have to comment on what the submissions were on the parties that would ordinarily do that. So you would have something that was a better thing.

[17:15]

The other thing that came about in the discussions was that organized labour felt there was a need that the process be specific enough that neither party could thwart the process. That nobody could stand back and say, oh you weren't acting in good faith, or no, there isn't really an impasse.

So they were very direct that the process had to be clear, that if the parties, if, say, labour gave a notice of impasse, that you couldn't challenge that aspect of it. You know, that the process had to have alternates all the way through. You do this or else this happens. That each step had a process, which to some people would appear to make the process somewhat more convoluted. But that was done specifically so that the process would have a clear chain all the way through and it was there.

And I accept that that was something that they needed to have if they wanted it to work, that we were, at the end of the day, saying you no longer have the right to go out on strike in this situation, therefore you need to have a clear path to get you to that mediation/arbitration or the other processes that were there. So that was there, so I don't know if that's . . . Your question was really on what things we heard in the consultation, but that's the quick summary.

Mr. Forbes: — I guess my next step was that, but I always appreciate the extra answers that we get, because it's never lost ground.

Hon. Mr. Morgan: — Yes, when the submissions came in, some of them went directly to the ministry. Some of them came to the office here. But I read them — which I didn't charge overtime for, I want you to know that — sometimes here, sometimes at home, sometimes in the evening. Never while I was driving. And you know, there was certainly some common themes and some common threads. There's no doubt there was some consultation between the different parties that were submitting. They, you know, there was some and for all of that . . .

Mr. Forbes: — But my question would be, so you went through this consultation process, and you must have mailed them. I assume you . . . or did you . . . [inaudible] . . . speaking of a frugal minister, unless he hand delivered them.

Ms. Parenteau: — Most of it was done by email. We found all their email addresses and we had a signed letter, and then we emailed it out.

The other one thing that I forgot to mention, and it's pretty important, was that from both sides we heard about the issue of essential duties being performed.

Mr. Forbes: — As opposed to . . . Well, we'll get to that. We'll get to that.

Hon. Mr. Morgan: — As opposed to essential people, that it had to be, and that was . . .

Mr. Forbes: — Positions.

Hon. Mr. Morgan: — Correct.

Mr. Forbes: — Yes, but my point is, and this is often an issue with good consultation is, so you've done this in the spring and you've melted it down. You went from 100-and-some to 39 to 6. But were the six . . . You know, quite often people say, well I participated in the consultations. And obviously some people can't be one of the six. It would be just hard to have 39 people in the room, so and if people accept that . . . but they do hope what they said in the consultation somehow made it into that room.

What did you do to ensure that what was happening . . . because not all of the six, unless you did some briefing . . . Some would

be on top of it. I know for example the president of the SFL probably would be pretty aware of what its membership was saying. But there's others that, you know, may not be aware. If they're working for one union or another, they're focused on that job at hand.

Hon. Mr. Morgan: — Consultation doesn't necessarily mean that you accept all of the submissions that were there. But I think in this case the submissions had, the ones that came from organized labour had the common threads that we'd mentioned, dealing with what is essential services, the issue of duties.

And I think when our six went into the room — with no lunch — that they tried to reflect on what was in the submissions, more importantly what was in the Supreme Court. But most of the submissions had the benefit of having read the Supreme Court. That was the basis of what their submissions were. So it was an appropriate course to follow where we tried to comply with the court, and in the course of that we had relatively good compliance with what was in those submissions. Maybe not all, but there was certainly . . . If the people that made those submissions went back and looked at the Act as it now is, they would likely say, okay, yes. This was dealt with . . . [inaudible] . . . So if they had their checkboxes of, you know, half a dozen or eight things that were there, they would find that all or most of them had been included.

Mr. Forbes: — Yes. But my point being and that, you know, it sounds like from the 100-and-some to 39, there was a direct link. But you didn't really have a direct link from the 39 to the 6. You just hope when they entered the room that they had read the Supreme Court ruling and that they were well versed, but you didn't, you know . . . And I totally understand what you're saying, Minister, about not everyone will get their way just because you heard them. But you know, and it's fair enough. You say, folks, we're going to give you your fresh eyes to this. But my question is, was there any link between the 39 and the 6?

Ms. Parenteau: — Actually the 6 came before the 39. The working group actually did some work. That was taken out to consultation in September, so that there was a direct linkage there from the first to the working group to the second.

Mr. Forbes: — So 100 to 6 to 39. Okay, fair enough. That's good to know. All right. Now, you know, when you had Bill 183, was it based on any other piece of legislation in Canada? Do you know if the Justice department looked at what was happening in other places?

Hon. Mr. Morgan: — This is a complex-sounding answer, but that's consistent with every other answer that I've given. This bill was modelled after . . . or the starting point was what was in Bill 128. Bill 128 was sort of a made-in-Saskatchewan solution to what we felt were the problems with Bill 5, and it was based on somewhat of an interjurisdictional comparison. There was nothing in Bill 128's essential services portion that was lifted from another province. However, since it was passed, Nova Scotia based their essential services on what we had in our Bill 128. They may be revisiting it now. And then the new bill that's before the House now is entirely a product of the six, although I'm told that Alberta is using that as their starting point for their essential services consultation with their new NDP government.

Mr. Forbes: — There you go. There you go. It's always interesting who looks to other places. That's great.

Hon. Mr. Morgan: — I think we're all subject to the same Supreme Court decisions regardless of where in Canada you are. It bodes well for us and it's highly desirable that we do an interjurisdictional comparison every time you move forward on something. And we're a relatively small province by population, so usually somebody else has been there before us. But with regard to this particular piece, we were the province that faced the court challenge, so we were the province that on both 128 and 183, we were sort of the lead on it all the way across. So when 128 was in, it was largely assembled by our folks here, based on, you know, whatever, whatever . . . They would do it, and what we felt was our best legal opinion of the time. And then 183 was obviously, we had the benefit of the clarity that came from the Supreme Court ruling.

Mr. Forbes: — Thank you. Now, so you've had this. You've got the bill and it was written by Justice, came over, and you felt folks did the tests of how would this run in terms of bargaining, you know. And I don't know how you model that, but you definitely had the time, well you had the flow chart and you put it out like that. But my question is, how do you know or what confidence do you have or what tests did you use for, you know . . . and again we've talked a bit about this, but to go back to it, that it would survive a challenge in the Supreme Court or any court?

Hon. Mr. Morgan: — There's really two parts to your question. One, how would the flow chart work through a bargaining point of view? Doug Forseth was one of the six, so he went back and had discussions with Health. I met with both the Deputy Minister of Health and the Minister of Health and said, this is a significant change to where you were before. And they have obviously had a lot of internal discussions, and they were at a point where they were looking for how the path . . . what they would change, how they would have to work things through. So they were there.

I also met with some of the officials at the Public Service Commission on an informal basis and said, are you aware that, you know, that the changes that are here? And they were, to their credit, had already been watching what had taken place at the Supreme Court level, had looked at the flow chart, had looked at the legislation, and were deciding what they might have to do or how they might change things or how a process might be once they got involved with one where they ended up at the point where it was being used.

And the indication from them was that the first few times that we go through it — I forget the term they used, whether it was going to be a bumpy road or it would be complex — it would be a new experience and would be difficult to go through the first two or three times. But once some definitions were established — not of essential services but of the different parameters that, you know, you go through on there — and once you'd worked through it two or three times, that it would become successively easier to go through. The processes would become more well-refined and easier to go through.

The other part of your question was about whether we have faith that it will stand up to another court challenge. I can't

guarantee that somebody isn't going to make a challenge to this. As I'd indicated earlier, you can't contract out of what the Supreme Court has said. So somebody else might want to. So what we tried to do was get enough acceptance from the public sector unions that they were willing to try this. We appear to have . . . You know, nobody is saying this is perfect, but everybody is saying we want to give this a try.

So I don't expect immediate court challenge. As with anything, we're receptive to whether there's a need to make a change or refinement later on. But right now everybody seems to be willing to . . . And the best advice that we got from the Ministry of Justice officials was that they felt this was in compliance with the Supreme Court. And to that end, we had Susan Amrud sitting on as one of the six crafters of the process. So if it doesn't work, I'll be throwing her under the bus. No. Joking, of course. But I knew that she was going back and consulting with Graeme Mitchell, and you'd know Graeme as well as I that, you know, he is probably the leading constitutional lawyer in Saskatchewan, if not in all of Western Canada. So I know there was a lot of discussion there, and I think we are as well positioned as we can be.

Mr. Forbes: — And I have to bite my tongue about advice being free and you pay for what you get. But I'll bite my tongue.

Hon. Mr. Morgan: — I suggest you would so you're not having to phone Graeme and say you were joking.

Mr. Forbes: — I know.

Hon. Mr. Morgan: — So you know, Graeme takes his work very seriously.

Mr. Forbes: — Super seriously. Yes. Well if Graeme is listening, I do want to say I appreciate the good work that he does, and I am familiar with his work. And that's why I bite my tongue. And I don't believe it's free because it shouldn't be.

You know, we have some really good people working for us, and we're proud of their work. But I'm surprised when . . . But anyways I won't get too far into this, Mr. Minister.

Hon. Mr. Morgan: — As a province, we no longer have extra billing in health and we don't have it in government legal services. So they just do the work and we thank them for it.

Mr. Forbes: — Okay. There you go. But I want to . . . Now there was one specific question that one group asked me to raise, and that was in section 7-8(7). So if we could turn to that in the legislation, please. I believe it's page 11.

And the question is, you know, it says, "Subject to section 7-22, if the tribunal issues a decision pursuant to this section or section 7-10 determining that all employees of the public employer are . . . who must work . . ." And then you go through it. So the question was, so when you refer to all, you're really saying 100 per cent?

[17:30]

Hon. Mr. Morgan: — Yes.

Mr. Forbes: — Now why are you saying 100 per cent?

Hon. Mr. Morgan: — Because it was clear if it was 100 per cent, you know you're done. It's there. But when you got down to the lesser numbers, we didn't know what number it might be.

So it would be at this point, you know, it may be that 98 per cent or 99 per cent would render the strike ineffective. But when you talk to different people, you get a myriad of answers. Some people say oh, well if you lose 30 per cent of your people, it's ineffective. Other people say if you . . . You should lose over, you know, 70, 80, or 90. So what we knew was common ground was that if all of them were, yes we were there. But how much you would back away from that . . . Now it could well be the parties could agree, you know, that if there's only a minimal handful of them, and I'll use the issue of nurses. We would like to think in our province that virtually all nurses are essential, but the reality of it is some of them do counselling work. Some of them do education work. Some of them do training work and, you know, what percentage of the . . . I think there's, what . . . Nurses? 13,000? . . . [inaudible interjection] . . . 9,000 nurses.

Mr. Forbes: — 10,000 is what the ads on TV say.

Hon. Mr. Morgan: — Correct. So of the approximately 10,000, I don't know what percentage of them would or wouldn't be but, you know, you would think the vast majority would be. But it's not 100 per cent but it's somewhere else. So I can't speak to that. But when they went through, we had some discussion as to what that number might be, so the only one that we could say with any degree of certainty was 100 per cent. But how much less . . . And there's no doubt a few less would still be the same, but what it is from a percentage point of view, rather than argue about it, we said, okay, if the parties agree, fine. If not, it's 100.

Mr. Forbes: — So what I'm going to ask you to do with this question is sort of back up. I'm going to do the Blakeney thing here. I'm not an expert; I'm just asking the question that somebody asked me to ask. So what is this section about, section 7-8, and particularly 7-8(7) so I can have a bit of a background here. And people at home who are watching or going to be reading *Hansard*, we've jumped right to the answer that . . . I'm not quite with you on this.

Ms. Parenteau: — 7-8 is generally the establishment of the essential services tribunal. It's the process that they're to follow. So it provides for them to commence their hearings, who can and cannot be, if you have a pecuniary interest. This is very much modelled on the arbitration parts of part VI of that upfront part. When you get into subsection (6) it talks about what they are to identify. And then so you've gotten a decision. You're to now enforce that decision under (6), but under (7) was if there is a designation of 100 per cent, the tribunal at that point, right then, can send it right to the binding mediation-arbitration process rather than wait. So that's what the intent of that provision is.

Under 7 . . . I apologize. I have to look; I should know it off by heart by now. 7-14, which talks about an application to the essential services tribunal about substantive interference, they can agree to automatically go to arbitration-mediation at that point as well rather than go through an application to have it

determined whether it is.

Mr. Forbes: — So if they had a lower number than, like you were saying 90 per cent or 80 per cent, it would be difficult to really establish this. But this is when there's determination that they're all essential, then it goes right to binding arbitration.

Ms. Parenteau: — It bypasses that process.

Mr. Forbes: — So essentially that workgroup is just too essential to be out there or monkeying around with whatever . . .

Ms. Parenteau: — It could be a very small bargaining unit and as a result you would have a situation where everybody would be classified as essential.

Mr. Forbes: — Right. Yes, and that may have come into . . . I don't know how many are out there that are that small, but I know that was a big discussion in the employment Act when we started breaking up some of the groups into smaller groups.

So then just to back up here, and I appreciate that answer because it helps me understand this issue at hand and then I can interpret it a little bit. No. (6) though, this is kind of different — is it not? — where you're in that same thing, where you're talking about the work schedule, "On receipt of a work schedule from the public employer . . ."

So really then, this is asking the union to identify the employees who must work during the essential services, and then they are the ones who are to provide to the employee, their union member, the actual schedule, and tell them essentially what work they have to have done, which may be different from what their original job was because it's not a position anymore. It's a duty that has to be performed, right?

And so this is new, is it not? In terms of essential services where you . . .

Hon. Mr. Morgan: — You're correct. This is new and it's in direct response to the Supreme Court. It's where you're moving to identify the duties rather than the individuals. The previous legislation identified the individuals that were to provide the work. So this identifies the duties that have to be provided, so it may be that for a person to fulfill the obligation, they may not have to be there a full eight-hour shift. They may go in and do a portion of it or they may do reduced duties while they're there. But the wording from the Supreme Court was such that it was the duties that you would arguably be able to provide as being done, rather than identifying the individuals.

Mr. Forbes: — But what's different, and correct me if I'm wrong, that usually, typically it was the employer who did the scheduling and made sure people got the schedule and did that. Now it's being transferred to the union?

Ms. Parenteau: — Under Bill 128, we had modified that so that . . . As part of the consultations that we heard in the first round back in 2012-13 was that the union should have that right to determine who should work. And so that adjustment was made back then. It's just more refined to deal with duties in this case.

Mr. Forbes: — Okay. So it's a holdover from 128 which never came in?

Ms. Parenteau: — Yes.

Mr. Forbes: — So were the unions okay with that extra responsibility now you've framed as a right? They wanted the right to determine who would do the duty?

Hon. Mr. Morgan: — Yes, absolutely. As a matter of fact, to have done it otherwise wouldn't have been acceptable to them.

Mr. Forbes: — Okay. So they wanted that? Okay.

Hon. Mr. Morgan: — Insisted on it, and it's certainly consistent with what the decision changes. But for them it would have been a major sticking point if we would have done it otherwise.

Mr. Forbes: — Now there is . . . And I don't have the number in front of me, but it's where the arbitrator is limited by the legislative provisions in which they can make their decisions. And I just saw it before I came in. I'm not sure. Do you know the section I'm talking about?

Ms. Parenteau: — It's 7-21.

Mr. Forbes: — Yes, probably that's the one. Yes, for sure. Yes, that's right. That's exactly the one. Thank you.

So did they have things that they must consider? And then they have things that they may consider. And there's been some questions people have raised with me about, this is limiting the ability of an arbitrator to render a fair decision. How does this stand up? Is this something that is typical or is this a change in legislation that . . .

Ms. Parenteau: — This is comparable with the firefighter provisions that were brought in with Bill 85. It's also something that's used in other jurisdictions. Most jurisdictions have some provisions. I would note that it says they shall consider or they may consider. It doesn't mean that they have to be the basis of the decision though.

Mr. Forbes: — "Shall" is what they have to consider. Right? So they have to consider the first part, and then they can go into the "may" if they want to. And is there anything in the "may" that is in conflict with the "shall" part?

Ms. Parenteau: — No.

Mr. Forbes: — No. So they don't get into trouble with overriding that. I'm not sure the firefighters were all that happy though about the new rules around arbitration, were they, on Bill 85?

Hon. Mr. Morgan: — No, their preference would have been it was left wide open to them. And I think this speaks to the fact that the province has got, or the employer in this case is almost invariably going to be the province, has got parameters that are set down by other settlements that have taken place. There are Western Canadian averages. There is a grid across the province. There is, you know, the average of what the settlements are.

And you know, it would be too easy for an arbitrator to say, oh, I've heard position A; I've heard position C; position B is halfway in between.

What this does is it focuses what they have to look at. They have to understand what's taken place in the other areas, so that's why those factors are there. And as course, as Pat indicates, it's, you know, they shall consider but doesn't necessarily mean that they will accept or that they have to follow a particular grid. But it does focus that they have to look at those things. So in a written decision, they would probably have to say, we've looked at it and considered and felt that . . . whatever.

Mr. Forbes: — But you know, well this may seem reasonable, but I mean, I do think that in the past with arbitrators, this is what they do for a living. So as you develop a skill as an arbitrator, people look at arbitrators and their decisions and say that person's made a reasonable decision, so we'll bring that person forward. Other people who don't make reasonable decisions get less work. And those who make reasonable decisions get more work, and it's their skills of finding, based on the, you know, the pieces that you think should be part of it, but other times that there must be things that override some of these.

And so that's what I'm wondering is, are you tying the hands of good arbitrators? And now we're going to see some pretty . . . arbitrators that are not quite as effective as the ones in the past who could make good, sound deals.

Hon. Mr. Morgan: — The last subsection in there says, "any other factor that the mediation-arbitration board or single mediator-arbitrator considers relevant to the matters in dispute." So it uses the word, they shall consider. It doesn't mean they shall accept. So it certainly directs their mind and their focus to the factors that are there and ought to be considered.

You know, I don't want to point to any specific arbitrations, but there's been some that people have had difficulty with afterwards because they didn't fit anywhere that was there. And by focusing the arbitrator on those things, then the arbitrator would have to write a decision saying, I looked at this, and for this reason I didn't accept this. Or I looked at this, and yes, it is a right basis to do it.

So it doesn't direct and say, they must be within a certain parameter. It says these are the factors that ought to be considered. So I think it's a reasonable application to expect that arbitrators will follow those type of things. And to raise them in the legislation, I don't think unnecessarily fetters their discretion, but it does give them some guidance.

Mr. Forbes: — Okay. So the section that you were quoting though, the "any other factor," that's under the "may," right?

Hon. Mr. Morgan: — That's correct.

Mr. Forbes: — So that could . . . But I guess I am going to just re-emphasize the point that good arbitrators get more work than bad arbitrators.

[17:45]

Hon. Mr. Morgan: — Yes, but until . . . I think that's probably a fair comment. However none of us want to have the bad decisions one way or the other in the interim. So by focusing them, we don't want to focus on who the popular arbitrators are; we want to give a direction so that they all become good arbitrators.

Mr. Forbes: — I think the arbitrator in this case is appointed by the minister, and he or she should not be, you know, directed by who's popular and who's not, but who's good and who's not.

Hon. Mr. Morgan: — I think you're absolutely right. And by this, we're hoping that they're all going to become very good arbitrators, will become very good arbitrators, and we don't have to go back and examine, that we can say, yes we've got, the parameters are there, and the arbitrator . . .

And for the most part, I think you're right. Historically the arbitrators have done a good job. They've worked to bring the parties together voluntarily. Failing that, they do an arbitration process where they impose a settlement on the parties. It would be my hope that they would use the leverage and clout and the skills that they have to try and get the settlement without doing it. But if they must take it out of the parties' hands and decide with their own, we think they should at least be reflecting on the factors that are mentioned in the legislation. And I think anybody looking at those factors would say, oh yes, those are the type of things that arbitrators ought to be looking at.

Mr. Forbes: — Okay. I wanted to turn to, and this is probably the most contentious issue of all of this, is the whole definition or lack of definition of essential services. And I guess that in the Supreme Court ruling you were guided by — now correct me if I'm wrong — but paragraphs 84, 85, and 86 that really talked about the definitions. But it wasn't really . . . Did you have a sense that they were, the Supreme Court was envisioning that there would be no definition of essential services? They weren't calling for the absence of that.

Hon. Mr. Morgan: — I don't think the court directed their minds at all to what the provinces might do with it. I think what the court did was said, you have the right to . . . You know, you should have a reasonable essential services regime. But how it got there, I don't think was something that they focused their mind on. They said this is what we think is essential.

We also adopt the ILO definition. So we could have restated the words in there, but then the words, how they're applied, and the context of what was taking place . . . So it wasn't something that came as a direction from one side or the other not to have it, it was something that our group of six came forward with and said, we think rather than have it in, you should leave it out; then have the tribunal or have the process determine what is essential at the time, and then you're dealing with the other matters at the same time. When I initially heard it, I think as I mentioned earlier, I had concerns with it. But the more I thought about it and the more I started to think of the various situations that we would go through, the more I thought, okay let's start letting, let's start letting the people start having those discussions.

I also thought that by having those discussions, it might break up the logjam as to whatever their impediments were to getting

a contract in the first place. So I'm willing for now to accept the wisdom of the six and to try that process. And the more I think about it, the more I think it's a right process to follow. I'll be intrigued to see whether Alberta follows that model as well when they come out with a draft. They're the ones that I think are furthest down the road.

Mr. Forbes: — I mean there's been some concerns, I guess two or three. One is that essentially every contract now, somebody could play the essential services card. Is that, I mean it would be kind of absurd, but it's a possibility.

Hon. Mr. Morgan: — Yes. You know, it's an essential public service. I think there's a possibility that somebody might raise it on something that, you know, there's all kinds of things that somebody might argue that's essential. You may have a situation where you've got committee rooms here and you argue that for the health and safety thing, Robert Park would be required to bring sandwiches to everybody that's here.

We would go through the process and probably determine that we could do without Robert Park's sandwiches. But I mean, you know, those are things that you could argue. But if it was determined that you needed those sandwiches, if that was necessary to the safety and security, you would have an essential services agreement. You would determine who was to provide the Robert Park sandwiches.

Mr. Forbes: — Yes. I mean, it would be really kind of bizarre. But the one that has been raised with me is, you know, say around potash or some sort of economic activity that is significant to the economy of Saskatchewan but not essential. And then you get into that whole definition, and you have some significant issues around . . . You know, if it were potash, these people are pretty sophisticated. They have very first-class lawyers working on this and making the case that a shutdown of a potash mine could be considered essential.

Hon. Mr. Morgan: — I can't prevent somebody from trying to do that. However I don't think they would get very far. The definition that's in the Supreme Court, whether we include it in the legislation or not, is binding on the parties. It's pretty clear that it's safety and security are the items that are there. It does not go to economic hardship. It does not go to protection of plant and equipment.

I think a lot of people, in particular the universities, would like to have had it. They would have protected plant and equipment because they've got a common, in University of Saskatchewan, a common heating plant. They also have got laboratory experiments that are temperature dependent that must be maintained, and you've got people that have done years of work to try and do those things that put that at risk.

Also you know, you could advance the same argument that grade 12 students, the teacher shouldn't go out because they are applying for scholarships. But I think, on a reading of the Act, those things are clearly not covered. If somebody wants to try and argue it, I don't think they are going to get very far with an arbitrator or with the courts. I think the language of the decision is abundantly clear that you do not have the luxury of extending it to those types of things.

I think by and large it will affect public sector employers, which would be the province of Saskatchewan, it would be government employers. And I think the other exception might be the IAFF [International Association of Fire Fighters] members that provide ambulance services in Saskatoon.

Mr. Forbes: — And that's encouraging to hear. But I am going to sort of drill down a bit on this because . . . So what you're saying is that in this Bill 128, you said abundantly clear . . .

Hon. Mr. Morgan: — 183.

Mr. Forbes: — 183. 183, yes, sorry.

Hon. Mr. Morgan: — 128 may arguably have had the ability for a broader interpretation, but 183 is post the Supreme Court decision and, I think, the safety and security and court services judges.

Mr. Forbes: — How do you say in 183 that it is abundantly clear when there are no definitions? Are you saying that everything in the ruling from the Supreme Court of Canada, you know, when anybody who's using or thinking about 183 has to be aware of everything in the Supreme Court decision of January 30th?

Hon. Mr. Morgan: — I suspect anybody that's applying will be somebody that practises in the area of labour law will be conversant with what the provisions of the Act are. They may argue as to how far it goes to, but I think that's why we wanted to allow the flexibility that's there. By transplanting the language from the Supreme Court into the legislation doesn't enhance the ability of the parties to want to argue and say, where does safety and security stop? Does it stop at the operating room door? Does it stop when you're bringing the necessary drugs or equipment in?

Mr. Forbes: — But when you have . . . I mean you define, I think, what a public service employer is, do you not? You describe what an essential services employee is and what an essential services agreement is. If you're really confident you can say, so these are the parameters, I get that you want to be flexible but not breakable, so that that's why you say any lawyer worth their salt would be referring to the Supreme Court of Canada. Why not include some of these parameters that very clearly say, you know, it's not about economic activity but those other pieces you say. Why not put it in the Act?

Hon. Mr. Morgan: — Well right now the Act makes it clear it's health, safety, and security. I can imagine that that would be the decision and that would be the application that people would have. So if you transplant it in, then do you transplant it in the ILO definition that's referentially incorporated as well? What happens if ILO slightly changes it? What happens, you know, somebody may want to argue what the ILO meant. They may want to argue what the Supreme Court meant. And there may be other cases that clarify or further restrict it going forward. So that was the rationale that was there, that it best be left to the parties to deal with in the context of that particular workplace and that particular one.

And keep in mind, this is only dealing with public service provided on behalf of a public employer. So we're not talking

about what might happen at a potash mine. We're talking about what would happen at a hospital or with snow removal or the private . . .

Mr. Forbes: — I know, but I mean, you've got to be . . . I mean like, when you're talking about grade 12 graduation and teachers thinking of going on strike, and they say well let's look at the employment Act and the section on essential services. I don't see where it says health, safety, and security. Where does it say that?

Hon. Mr. Morgan: — Read the court decision. It's there. I mean . . .

Mr. Forbes: — That's what you say.

Hon. Mr. Morgan: — The court decision is there. I mean, I . . . Period. It's there; it's full stop. People know that. It's there. And anybody who wants to make the application, what's the first thing that the arbitrator's going to look at? Well where's your health, safety, and security argument? Well it doesn't exist.

Mr. Forbes: — Okay, but why not include it in the Act? Why not . . . Why should a person in Saskatchewan . . .

Hon. Mr. Morgan: — Well the rationale put forward by the six was, it best be defined in the context of what was taking place with that particular bargaining agreement, with that particular place of employment.

By putting it in, it invites . . . In any event, that was the recommendation they have. It gives some flexibility to the tribunal that's hearing it. I accept that I'd like to see that kind of flexibility going forward. If something need be added later on, it would be possible to make an amendment.

But right now, given the recommendation that came from the six, then we're not having to include it in the Act; an ILO definition, we're not having to include a Supreme Court definition. It will be what the definition as at the time based on the current state of jurisprudence, and also by what took place in that particular workplace and in the context of that particular collective agreement.

Mr. Forbes: — Well you know, I mean, I think this may be the Achilles heel of this piece of legislation because while you're focused on the public sector, there are other groups out there who get really mad when somebody talks about going on strike, and whether they be, you know, a potash corporation or a parent council in Mortlach, you know, they all want to look to legislation. And as I was saying, like, we're not . . . with Blakeney, we're not the experts. We read the legislation. We don't see anything about health, safety, and security. And a simple definition would have been very helpful maybe.

Hon. Mr. Morgan: — I think you're exactly right. We look at what the experts say. Our six said it shouldn't be in there; we should try it this way. Anybody that's applying it would be presumably an expert, would be somebody that works for the ministry or would work with . . . [inaudible] . . . They would be the ones who would have the expertise to determine what's there.

So their recommendation is that it poses challenges at the present time. Leave it so it can be determined by their . . . And I accept the wisdom of the six.

Mr. Forbes: — Well we'll move on, but I do think that when I do see . . . It just begs the question when you have essential services agreement, essential services employee and refer to . . . The word "essential services" is used several times, but there's no definition of it. And we wait to see. And I appreciate the wisdom of the six as well, but we wait to see whether that is the thing.

[18:00]

Now is there . . . Someone else also asked me, within Bill 183, is there an acknowledgment of the Supreme Court decision that recognized the constitutional right to strike? And what did the Supreme Court say about lock-outs? That's sort of the other balance of the two.

Hon. Mr. Morgan: — The Supreme Court decision doesn't talk about lock-outs. It talks about the right of free speech, the right to associate, and that's the constitutional basis for the constitutional right to strike. We think if we take away one, we should take away the other. So that's why there should be no labour disruption during the period of time you go through this. But the decision is silent as to lock-outs.

Mr. Forbes: — Okay. And so within Bill 183, do you talk about the constitutional right to strike?

Hon. Mr. Morgan: — Not in the context of it being a constitutional right to strike. We talk about, that there not be a labour disruption, either by a strike or by way of lock-out during the essential services process. I think it would be inherently unfair to leave the employer's right to lock-out at the same time we're abrogating a worker's right to strike and say, you can't go on strike but, by the way, the employer still has the right to lock you out. So it wasn't something that the drafts people were willing to consider.

Mr. Forbes: — But saying that though, I mean the . . . Now we may be speculating here but why do you think the Supreme Court didn't talk about the right to have a lockout?

Hon. Mr. Morgan: — I don't think there's a constitutional basis for that. I think there's a constitutional basis on the face of the judgment for a right, a constitutional right to strike, and then they talk about under what circumstances and how it might be abrogated. You know, it talks and saying that essential services, having a regime to deal with essential services is a laudable goal for a government to have. And I think that's the words that it uses is a laudable goal. So it talks in terms of that and then if you are going to have that, then it talks about how you would take away the right to strike or how the services might be provided during that period of time.

But a right to lock out on the part of the employer, I suppose it would have been open to leave it in but I think it would be seen as incredibly unfair to the workers that, you know, if we were saying during this process you can't go out on strike but by the way we reserve the right to lock you out. How would an employer ever advance the argument that these workers were

essential if they were willing to lock them out at the same time? I mean it would defeat their own purpose. So anyway the prohibition is in the legislation but I think for good reason.

We, to be candid, never had a discussion about leaving one in without the other. We didn't want to have a labour disruption of any kind, whether it be by way of a lock-out or whatever, but it would be beyond my comprehension that you would be willing to have the ability of an employer to lock out when you weren't . . . Anyway that wasn't something that was ever discussed.

Mr. Forbes: — Fair enough. I appreciate that. So part of the discussions, and this group points to 7-9, but there has been some discussion or a lot of discussion about how these processes or this process can be kind of convoluted and it can be delaying. And, you know, 7-9 is one that is an example of a potential delay and that we're really extending the period of time of bargaining and it just seems to be going on and on, and so there were concerns about this. So this is one. Can you talk a little bit about 7-9, the purpose of this, and what the background is to it, and whether or not it's reasonable in terms of length of time?

Hon. Mr. Morgan: — I think any time you have something like this, circumstances could change. You know, I don't know how long the process might take, but you could have a situation where weather changes and all of a sudden, you know, you're not dealing with summer roads anymore. You're all of a sudden dealing with a series of blizzards. Or alternatively, you know, a major storm that does a bunch of damage and you have people stranded or whatever those type of things are. Or it could be something where the situations within the workplace, it's become apparent that something doesn't work, doesn't . . . you know, you need to go back and revisit it. So I think that was the rationale for having that. And I don't know if Pat wants to add something to that or not.

Ms. Parenteau: — Actually I would note that when we were first discussing this provision as a working group, the time periods being considered were the normal periods of time that an initial decision would be made. And it was determined that since the same essential services tribunal will be looking at this matter that it could be expedited, and so the actual time periods were reduced.

Mr. Forbes: — Okay. Like the overall time period even with all the things in between. Okay, well that's good to know. Appreciate that. Okay. Now section 6-33 was an example of . . . This talks about . . .

Hon. Mr. Morgan: — 7-33.

Ms. Parenteau: — 6-33.

Mr. Forbes: — Is there a 6-33?

Hon. Mr. Morgan: — Yes, you're correct. Sorry.

Mr. Forbes: — Okay, right. The notice of impasse and mediation, and now it's gone to 60 days. Can you give me a little background on that so I understand what we're talking about in here and why? And the question is, could this have gone a little shorter here? And I've made some notes as well, but what's the background of . . .

Hon. Mr. Morgan: — There was not a timeline in the earlier Act, so this is an introduction of a timeline. So that was one of the things that was important to organized labour was so that it couldn't be thwarted by somebody refusing to respond to a notice of impasse or not moving to the next step. So by putting a timeline at each step, it may appear on the face of it to be cumbersome, but it's by having the timelines in at each step that the process will ultimately lead its way to get before an arbitrator.

We didn't go through . . . Those are sort of the recommendations that came back. We looked at the cooling-off period from 14 to 7. We didn't look at whether this can or should have been shorter. There's, you know, a time period while you get everything planned or get everything, you know, go through the process that's there. And that was the recommendation from the six. Nobody came back to me and said they felt that period was too long.

Mr. Forbes: — Okay. I had one person thought it should be cut in half, from 60 to 30 days.

Hon. Mr. Morgan: — Tom Graham from CUPE wanted the 14 to 7 cut in half, so we did. He didn't ask me on the other one.

Mr. Forbes: — Just tell the person when 60 days, they can do it much quicker . . .

Hon. Mr. Morgan: — You know, I don't know, I can't . . . Yes, I mean, that's the maximum. If they choose to do it in less time, they certainly could. I think that's something that you watch as you go through the process after . . . [inaudible] . . . say, is this too long? Is this not long enough? Whatever, so . . .

Mr. Forbes: — For sure. And the 60 days — and I will speak to this from personal experience — when strikes happen over Christmas and January 1st, 60 days is better than 30 days.

Hon. Mr. Morgan: — Thank you for your endorsement.

Mr. Forbes: — There you go. I will give that because I do think, I mean . . . I'll leave it at that, but that's been my own personal experience.

But the one that does not have a timeline — you've talked about every one does — and it's the minister who doesn't have a week to appoint or anything. It's open. I'm looking at subsection (4).

Hon. Mr. Morgan: — The expectation is that that would happen virtually immediately or as quick as you could find one. I suspect you probably would have a judicial challenge if you didn't. I know where we've been appointing mediators now, it's as fast as we can find people.

Mr. Forbes: — And people are almost lined up. You know who's available and . . .

Hon. Mr. Morgan: — Yes. It comes forward. And you know, the odd time you'll ask somebody that isn't available. The people in the ministry usually find folks that are . . . [inaudible]

. . . so if it comes directly to my office, I send it over right away. If it goes to the ministry, then usually by the time I see it, it already comes with a recommendation for somebody.

Mr. Forbes: — Good. And there is a point here, and whether you had considered this because it's not in the Act but a recommendation for future consideration. I know that fines have been increased significantly, but I don't believe there's any fines for employers who force employees to do more than the essential services that are required during the strike because . . .

Hon. Mr. Morgan: — There actually is.

Mr. Forbes: — Oh, okay. Good.

Hon. Mr. Morgan: — The Act has a penalty provision at the end of it that if you breach any portion of the Act . . . maybe the minister for not appointing. But virtually anything that's under the Act, if you breach a section of the Act, you would be liable to the general penal sections that are there which . . . I'm not sure what the basic fine is, but there would be a standard fine that would be available.

I think the goal would be though that you don't use the prosecutorial remedies that are there. You would be hopefully using the processes within the mediation or within the Labour Relations Board. My guess would be a court may well decline to hear something if there was another remedy available. It's, I think, the likely outcome that's there. But there is a blanket provision there.

Mr. Forbes: — So I mean, this could happen though. I mean, like if it is the general practice that an employer is saying, forcing essential services and more to be done.

Hon. Mr. Morgan: — It could be up to $100,000 for a corporate entity for the fine. I don't think I'd want to get into speculation as to what the courts might be in the event that somebody was charged under the thing.

Now as I said, the expectation is that we've taken this process, and we've tried to keep it contained within the realm of the Labour Relations Board, the mediation process that's there, so that people aren't applying to Court of Queen's Bench. They're not looking for remedies elsewhere, that this is a complete process that they should not have to look elsewhere, that they would follow the processes that are there. And that that ultimately will get them where they need to be and there is sufficient clout within the process that they'll ultimately get to where they want to be.

Mr. Forbes: — Good. I appreciate that, and I think that's clarity, so I appreciate that.

Getting back to the arbitrators and the tribunal. First, I had this question when we were doing the technical briefing, was the fact that the Chair has to be the Labour Relations Chair. Am I correct in that? Or what is, who is the . . .

Hon. Mr. Morgan: — Chair or Vice-Chair.

Mr. Forbes: — Chair or Vice-Chair. But yet it's not in any way kind of connected with the Labour Relations Board, even though it's named. I mean it just seemed to me to be odd that you would say, okay, we need the Chair to be from this one board. And obviously that person, in the spirit of the ministry and the government, probably won't be spending any money because they'll be doing . . . you know. But they'll be using their own facilities, right?

Hon. Mr. Morgan: — Well we're hoping that they're not doing it off the side of their desk and that they're . . . Sorry. But that they're doing . . . Yes, I mean it was the logical choice. You have somebody that's paid to be impartial, that's paid to render decisions on it. So while they may not have specific expertise in that particular file or that particular expertise, they would have broad general knowledge about how to conduct mediations and arbitrations. They would know what kind of decisions would be rendered or who else, you know, that they might need to look for. So the Chair and Vice-Chair of the LRB [Labour Relations Board] would be the ones that would most likely be able to have the expertise.

[18:15]

The other option that was considered, but not accepted, would be that it go to the Court of Queen's Bench. Well you're imposing something on a Queen's Bench judge that may take months to get to. They wouldn't have the expertise. So the feeling was, if there is an entity or an individual, it would be the LRB Chair or Vice-Chair.

Mr. Forbes: — And they would be using the resources and all that they have at their hands. But yet there was some distance between the tribunal and the LRB. Why is that?

Hon. Mr. Morgan: — I'm not sure.

Ms. Parenteau: — It's really a separate process from the LRB. Discussions did take place about what type of model to use and consideration was given to the LRB, which was under Bill 5; and also, under 128, you could use the LRB or strictly an arbitration model. This hybrid came out of those discussions. As the minister had indicated, somebody who was impartial. And then you have individuals that are appointed by each side that have expertise in the workplace itself that could help guide the discussions about what is essential or not essential duties. So I mean that was why this model came about, was it's a hybrid. They wanted it separate and distinct because they didn't think necessarily the board had that expertise.

Mr. Forbes: — Okay. I think again this may be something to watch and then maybe just something that's not that big of a deal. I know only a few people are aware of it. But I just find it odd that there's that separation, that wall. So okay. Now I did have a letter and I did talk to Mr. Graham, whether I could raise his letter, because you have his letter, and whether I could raise this tonight. And he did talk about some concerns. And whether or not you wanted to speak to them specifically which, if we could talk to . . . And if — you may have it with you — if you want to pull it out. It's the tribunals and it's interesting. Is this the part that we were just talking about, the 60 days? The section 7-8 of the Act, division 3.

Now he talks about this:

> The time frame of 60 days or longer for essential services tribunal hearings to conclude as outlined in section 7-8(2) of the Act is problematic and places a protracted two-month timeline. A more reasonable time frame for the conclusion of tribunal hearings would be two weeks with an allowance for an extension when needed. Moreover the determination of the effectiveness of a strike should be left to unions who are best positioned to assess the role of classification of essential services, timing of strike action, and the level of impairment of their constitutional right.
>
> In addition to the number of duties deemed essential, factors such as distribution of classifications in the workplace in the time of the year of strike action are best assessed by unions themselves. In all instances there must be a meaningful alternative available for settling a collective agreement. So without amendment, Bill 183 opens up the tribunal process to employer manipulation at the bargaining table.

So I'm not sure if that all reflects back to division 3, 7-8, or if he's adding more into that, but if we could go to section 7-8 and if we could talk a bit about that and your response, if you have a response.

Hon. Mr. Morgan: — Sure. I have a huge amount of respect for Tom Graham. He's the president of CUPE, and he's one of the most thoughtful, reasonable individuals that I've ever met. What this section says is that within seven days, they'll start. So it puts a pretty strict timeline to start. And then it says, within 60 days shall conclude and shall render a decision. Well what happens if the thing goes? What happens if somebody gets sick? What happens if there's a variety of other reasons that it doesn't go? Maybe in some cases you start within the seven-day period, as you're required to do. Chances are you may well have a decision within 10 or 15 days. But what happens if you don't have a location for a hearing? What happens if the parties aren't available? What happens if there's a witness that you want to call? You know, what's . . .

To me, the 60 days, if you look at how court proceedings usually take, and I know it's not court, but if you look at, you know, how long it takes to get a court date here, a matter in a court date, wanted to avoid adjournments, I think the 60 is probably as tight a timeline as you would want to have. I don't want to see the process manipulated. But at the same time, the last thing I want to do is see the process compromised because somebody had to meet a timeline that wasn't realistic.

Now maybe as we go through, with the benefit of seeing a few of those things, we may be able to look back and say oh, yes, this could be done in 30 or this could be done in 45. But I question whether you can successfully commit to doing it in 60 in all of the cases that are there if you have to hear complex evidence, if you have to have an expert that comes in from out of city or out of province. Then you need some time to assemble the information and write the decision afterwards. So with great respect to Mr. Graham, I think the 60 is a workable period of time.

And then you go through the processes that are there, the things that you have to determine: the classifications, the number of positions, the number of locations, the procedures that you're going to follow. That is the most complex part of how the essential services agreement work. That is the nuts and bolts of it. That's the guts of it right there, that you're determining how that workplace is going to function.

So you're saying that the 60 days should be shortened. You know, the 60 I think will in some cases barely be adequate. So I think I'd like to see this tried for a period of time using the 60-day period. And if doesn't . . . You know, if it can be made shorter, by all means do it. The parties can always agree to it being shorter. But the 60, I think . . . You know, you're trying to develop an emergency response procedure, the locations where it's to be done, scheduling of the thing. I mean that's how a hospital might work during a strike.

Mr. Forbes: — Now where in the flow chart does this take place, this 60 days where you hit the tribunal? Is that towards the end? It's towards the end when things have gone off the rails, right?

Ms. Parenteau: — It's in the middle after you've tried to negotiate essential services and hit an impasse.

Mr. Forbes: — So then essentially you may end up with a two-month period from hitting an impasse. So will it encourage or do you find that this may encourage people to get to an impasse quicker so they can get to the 60 days? I mean people are going to say, so how long do we want to bargain for and . . .

Hon. Mr. Morgan: — The expectation would be that the parties would get there without having to use the third party, that they (a) want to make a deal on the contract and (b) failing that, would want to make the deal on the essential services contract rather than have one imposed on them by a third party. I think that would go for both parties on it.

I think we're talking about the very last resort where the relationship has become so badly damaged that the parties can't sit down and talk things through because we're no longer talking about the contract. We're no longer talking about the process. We're talking about who's going to do the work. Who's going to get the needles? Who's going to load a syringe? Who's going to swab the individual? Who's going to be responsible for inserting a ventilation tube? Those are the very issues that you'll have to do. And then you have to define what those are. So that's where you get down to the fundamental operations, and my guess is that people will want to do that.

Mr. Forbes: — Okay. So this is following . . . Now this is pre-arbitrator, post . . .

Hon. Mr. Morgan: — Pre-mediation-arbitration. The mediation-arbitration is the last step where the parties go to to get the deal made from. This is the step prior to the determination whether a strike is effective or ineffective.

Mr. Forbes: — Okay. And then Mr. Graham also goes on to talk about division 7, section 3-50.

Mr. Carr: — This particular element within the workplace hazardous information system has always existed. It's just been brought forward and updated to reflect the new model.

Mr. Forbes: — Okay. So we'll see how . . . You know, I appreciate that. Thank you for that. But we'll watch the timings of all of this and how quickly, what has been . . . Over the past, you know, 10 or 20 years, have you done an analysis of about how long public sector bargaining takes on average? What can we expect that the time from exchange of contracts to the signing of a new one?

Hon. Mr. Morgan: — Part VI imposes a duty on the parties to bargain in good faith. One of the goals back as far as *The Saskatchewan Employment Act*, when we were introducing that, was to try and get people to start bargaining before the expiry of the contract, that that would be an appropriate time to do it. But that never seems to happen. People always seem to want to wait 3, 6, 12 months afterwards before they start and then another number of months after that. We have a good history in our province of having contracts, but we have a terrible history of getting there because it often is months and months afterwards.

There's some jurisdictions in the US [United States] where in some auto contracts, where no contract, no work. So there's a deadline that's there, that when the contract expires, the workers don't come to work because they're not employees anymore. They're done. You know, the assembly line stops running. It's finished. Here our contracts all have a provision in them that they continue until they're renewed so that . . . [inaudible] . . . so we have a system where unfortunately it just takes way too long for the parties to get there. I don't fault either side for it. It just seems to be the way it's done.

You'll have one side will want to sit down and do it. The other side will be waiting for a settlement of something in another jurisdiction or the availability of somebody else or not sure that their members are ready to do it or whatever the reasons are. But I find it frustrating and I think everybody does, that we're 6, 12 months out before we start bargaining in earnest to get to a conclusion.

And you know, all of a sudden, you know, it usually seems, well the parties sit down. Now's the time to do it. And they go back and forth and they get it wrapped up relatively quickly once they get to it, but it usually has to be at the far end.

You'd get a spreadsheet as to what things were still outstanding and then you'd look at what the expiry date was on some of the ones that were outstanding, and it was sometimes two and three years ago. And oftentimes the next contract is looming when you are finally getting down to it. So it's a frustration. I don't have an answer for it.

We tried to build in, into the provisions of 128, provisions that would try and get people to the bargaining table earlier. I don't see since that there's been any greater desire to get to the bargaining table. I think that's just sort of part of the way things take place in this province, that it's . . . And if I was on either side I think there's frustration that's there and it doesn't help. But in any event, like Mr. Carr said, 98 per cent of the contracts were settled without job action; 2 per cent are there, so I would like to . . . I don't mind that stat, but I'd sure like to be there a lot earlier.

Mr. Forbes: — There's the other stat, the 80-20 stat, where 20 per cent creates 80 per cent of the work, and that's the unfortunate reality of too many things, and 20 per cent of the things that go wrong. But here we are. I appreciate that and I know, I would suspect that all the major unions, public sector unions, have a pretty good idea of how long bargaining takes. And that's fair enough.

[18:30]

Now just some other questions from some groups. And one, we've gone over the definitions, and that's fair enough. There was one concern that was raised, and I'll just read the question to you. If either party, employer or union, declares an impasse, then that party has to provide the essential services plan. Do you think that SAHO or the health regions are really going to declare an impasse? If the union declares an impasse, and the union provides the essential services plan, so that would result in more delays. So what do you think about that? Do you think that impasse could be used a tool?

Hon. Mr. Morgan: — The plan, all they need to do is put in the notice of impasse that there are essential services involved, that they believe it's involved. So I think it could come from either side.

Mr. Forbes: — And are you confident that people won't be misusing the impasse as a bargaining tool or using it more? I mean, it is a bit of a leverage. We always have that. I mean, that is why you declare it when you think that you've got to a point that you can't go any further.

Hon. Mr. Morgan: — I think they might. I think that was why we put it in, was so that if there was a frustration on the part of either party, they would be able to say, I can't deal with you anymore, you know, whatever your reason is. I serve you with a notice. Then we move on to the next step. They may choose to do it for not the best reasons or they may say, no, we're wanting to push you and hold your feet to the . . . [inaudible] . . . and maybe the same way you see them taking a strike vote before they negotiate. They don't want to have a strike but they want to have that hammer there. So that may be somebody's logic for doing it, but it's certainly their right to give the notice of impasse. I think it's there.

Mr. Forbes: — Yes. Okay, well I think that we've dealt with many of these questions, and I'm sure over the period of time there will be many more questions as we go forward as this gets tried out on the road, as the rubber hits the road.

So we've talked about the implementation that you hope that . . . well your plan is to have this . . . It will be proclaimed and before January 30th so that this will be the new set of rules for essential services.

Hon. Mr. Morgan: — That would certainly be the direction at this point in time. You know, I can't speak to whatever else might happen, but that's certainly the direction at this point in time.

You raised the issue of amendments and some of the concerns that some people had raised. I think our goal at this time would be to have it passed, proclaimed, brought into force, and then continue to have discussions through the advisory committee, or have discussions with people as they look at how they might

implement it as they go through a bargaining cycle. But I think after they go through a bargaining cycle or two and try and explore the options of that, it may be there has to be some changes that are there.

I don't foresee what . . . you know, wouldn't want to speculate and say what they might be at this point in time, but I think with anything where you're going into an area that you haven't gone before, you need to be mindful of the fact that changes may well come about. But right now, you know, I'm not prepared to suggest we make changes at this point in time. I think at this point I'd like to see it passed, proclaimed, in force, and then see how it's tried out.

I think there's goodwill on the part of the public sector unions. I think when they deal with their individual members, the individual members don't wish to go on strike if they're providing an essential service. I think there's a sense of what's essential, what's important, whether it be an emergency room worker or snowplow operator. They don't want to be the one that's making the choice. Do I go on strike? Do I go out? I'm directed to go out, is this what everybody else . . . So I think this gives those individual workers some understanding and clarity of what should be there. They're not in the position of pitting neighbour against a neighbour to try and prevent a service from being provided that needs to be provided, that they want to provide but are directed otherwise.

So I think we have created something that will prevent that kind of thing taking place. I think the workers will want to do it. So my hope is that it's on the books for long enough that it never gets tried. People know that it's there; it's a tool that's there, and that they say, no, as appealing as it might sound, we think we'd rather just sit down and make a deal.

Mr. Forbes: — Sure. Okay, well, Mr. Chair, I've just got a few concluding remarks. And I think the minister's been very brief and to the point on many of his answers. And unless he has something that he says in the next five minutes that spurs me on to further questions, then I think that . . .

Hon. Mr. Morgan: — The only thing I wanted to do was I wanted to read in the name of the six and thank them. And I think you're on the same place. Do you have your list handy? If not, anyway the six people that worked on this were Hugh Wagner from Grain Services, Jim Holmes from CUPE, Ronni Nordal from Richmond Nychuk, Doug Forseth from SAHO, Susan Amrud from the Ministry of Justice, Pat Parenteau from the Ministry of Labour Relations and Workplace Safety. They took on a task that I think a lot of us thought wasn't going to produce a result. They have a result. Time will tell whether it's as workable as we hope it is. But I want to publicly thank all of them for having rolled up their sleeves and done this. So I thank them for that.

Mr. Forbes: — Yes, and I would join the minister in thanking them. And all six, I'm familiar with most of them, and excellent people, both working for their unions or working for the public service. But I just wanted to say, you know, and the minister has alluded to this many times in terms of timeline of bargaining, that we now move on to the next chapter and we hope in the spirit that people bargain always in good faith and that we never really have to test this out.

And that we have to acknowledge that, as the minister has said, workers provide very good services and want to be at work. And they don't want to be fighting with their neighbours, and they just want to be recognized for doing a good job and being paid fairly and safely and all of that. And they have in the past and will continue to do in the future. I think though . . . I look back and it's been an incredible eight-year journey on this, and we are closing a chapter. I will put a little asterisk that I still don't know how much it cost, but that will be the challenge forever. But I think we have learned a bit, as we always do when it comes to this kind of stuff and human endeavour.

Now I know the minister has done this. I think he has. But I mean, I do think, and I know one of the unions has been pretty clear about recognizing the fact that they have . . . Mr. Minister, I think you have in some ways alluded to a bit of an apology for how this has all played out. And I know one union has been really on the government's case for this because it has been something that has caused a lot of uncomfortable positions where people have been questioned about things. And we're at a point now where people are much more friendly, and I have to recognize the minister and ministry for doing as much as they can to turn the page on this.

But it's been quite an eight years, and I do want to think that we should acknowledge the fact it has been rough. It hasn't been easy, and there's been a lot of rough edges to this whole place to how we got here today. Going to the Supreme Court's not an easy thing, and nobody wants to go to the Supreme Court because you never know how it's going to turn out. And it took a lot of faith and courage by labour and its membership to get to that point.

I do think though that, at some point, that this government needs to acknowledge this wasn't necessary, that what the minister did over the summer could have been done in the winter of 2007 after that election, and we could have solved ourselves a lot of time and pain. But here we are, and it is what it is. But I do think that at some point the government needs to own what it did. And it wasn't . . . This is not a complete feel-good story. It's ending on, I think, a somewhat positive note, but it's been a rough journey to get us here over the eight years.

So at that point, I want to thank the staff of the Ministry of Labour and I also want to thank the staff of Justice. I do want to say that, while I've said some things and I will stick with them, I think they're a great, outstanding crew, and we are lucky to have them in the province doing the work for us. But I want to thank the labour leaders, the workers as well. It's been tough. So thank you.

The Chair: — Mr. Minister.

Hon. Mr. Morgan: — Mr. Chair, I would like to thank all of the officials that are here tonight, all of the officials that have worked over the last number of months to piece things together for this, and thank the committee for their indulgence. Thank you.

The Chair: — Well thank you very much, Mr. Minister. Are there any other comments or questions on the bill? Excellent. Seeing none, we will proceed to vote on the clauses. Clause 1

short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 8 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Saskatchewan Employment (Essential Services) Amendment Act, 2015*.

I would ask a member to move that we report Bill No. 183, *The Saskatchewan Employment (Essential Services) Amendment Act, 2015* without amendment. Ms. Draude moved. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would just also like to express my thanks to the minister, our members, as well as all the ministry officials and labour folks that worked on this and put it together. So thank you very much. And I would ask a member to move a motion of adjournment. Mr. Tochor has moved. All agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you very much.

[The committee adjourned at 18:43.]