



# **STANDING COMMITTEE ON HUMAN SERVICES**

## **Hansard Verbatim Report**

**No. 13 – May 6, 2008**



**Legislative Assembly of Saskatchewan**

**Twenty-sixth Legislature**

## **STANDING COMMITTEE ON HUMAN SERVICES**

Mr. Glen Hart, Chair  
Last Mountain-Touchwood

Ms. Judy Junor, Deputy Chair  
Saskatoon Eastview

Mr. Denis Allchurch  
Rosthern-Shellbrook

Mr. Cam Broten  
Saskatoon Massey Place

Ms. Doreen Eagles  
Estevan

Mr. Serge LeClerc  
Saskatoon Northwest

Mr. Greg Ottenbreit  
Yorkton

[The committee met at 19:30.]

**Bill No. 6 — The Trade Union Amendment Act, 2007**

**Clause 1**

**The Chair:** — I'll call the committee to order. Good evening, everyone. We only have one item on our agenda this evening, and that is consideration of Bill No. 6, The Trade Union Amendment Act. We have Minister Norris and his officials again with us here this evening. We're pleased to see them here. Welcome. And I would ask the minister at this time to introduce his officials.

**Hon. Mr. Norris:** — Mr. Chair, legislative colleagues, thank you very much for the opportunity to appear before the committee once again. I think everyone's almost beginning to refer to these colleagues almost by their first names. So Wynne Young, our deputy minister; Mike Carr, associate deputy minister, labour, employee and employer services division; Mary Ellen Wellsch, just behind, acting executive director, labour planning and policy; and Pat Parenteau, senior policy analyst — all within the Ministry of Advanced Education, Employment and Labour.

**The Chair:** — Thank you, Minister. Before I open the floor for questions, I'll make the committee aware that we have a substitution this evening. Mr. Iwanchuk is substituting for Mr. Broten. And I believe Mr. Iwanchuk has some questions for the minister, and I would recognize Mr. Iwanchuk at this time.

**Mr. Iwanchuk:** — Thank you, Mr. Chair, and good evening to everyone and I guess all the audience out there watching, riveted to the screen.

I would like to just start again where I left off, and we were discussing the card certification versus the vote, democratic vote or just the plain vote, I think, in certification. And the minister had talked about that he had done a little research of his own in terms of Alberta, I think he said, and British Columbia, and I think he mentioned Newfoundland.

**Hon. Mr. Norris:** — Newfoundland and Saskatchewan.

**Mr. Iwanchuk:** — And Saskatchewan too. So I was just wondering if I could, I guess as a start we could just simply start on a discussion, perhaps just a bit more on . . . Because I think we put forward a number of research papers, and the minister did not accept anything that was said in there. And so I just thought perhaps if I better understood his logic, his analysis of what he had done because I know he . . . And perhaps I didn't let him speak enough on that topic. So if you want at the start, we could do it by specific questions or just give me kind of an overview of what your thinking was on those comparisons.

**Hon. Mr. Norris:** — Sure. First what I would begin by saying is that I would phrase my, I would phrase the language as far as offering at least some challenges to the hypothesis that's been offered by or the argument offered by the member. And that is — if I recall correctly, and we'll get these out — the discussion here is about the proposed connection between secret ballots

and union membership.

But I think before we get into that, we turn and say this — to reiterate a point that I think we've made pretty clearly — the intention of this particular section of the amendments really relates to allowing the people of this province, and especially working people, to have the opportunity to express their democratic preference through secret ballot.

Now I think the key element of this, as I have argued previously, this is largely consistent with the democratic ethos across the province. What we have had is a Sigma Analytics poll come out in recent days — if I'm not mistaken it was on the front page of the *Leader Post* — where 75 per cent of those polled came out in favour of the secret ballot proposition or in this case amendment.

So it's to contextualize this by turning and saying the question, as it's been asked, really doesn't have a lot to do pertaining to the amendments that have been put in place. What's been offered here is a suggestion by the member, as I've interpreted it, a suggestion by the member that there's a connection between rates of unionization and secret ballot provisions across various jurisdictions.

If I have this correct, and do we still have our chart? We'll bring our documentation out. There were two examples that I drew upon in addition to another interpretation — thanks, Mike — the other interpretation, and we'll also, we'll also go through another interpretation. But questions that I've posed relate to two specific Canadian references.

That is, secret ballots are used in both British Columbia and Alberta. What we see in British Columbia and Alberta are what I would refer to . . . There's a pretty significant divergence in rates of unionization or union coverage as Stats Canada has deemed this. So the Alberta rate is just 24 per cent, British Columbia 32 per cent, 32 and a bit. So what we see is with a secret ballot in place, we have diverging numbers regarding unionization.

What I then said is we've isolated that variable, that is the variable that is a secret ballot provision resides within both jurisdictions. Therefore I would suggest that it would be through other variables or factors that we would have to begin to explain rates of unionization. That is if both Alberta and BC [British Columbia] have secret ballot provisions, but they still have diverging rates of unionization or union coverage, then the answer, at least as far beginning an inquiry is to turn and say how would someone go about explaining that as a sociological phenomenon or as a political phenomenon.

The second example that I offered was, if I have this correct — yes? — we've got Newfoundland and Saskatchewan. The union coverage in Newfoundland is 37.7 per cent. In Saskatchewan it's 34.8 per cent. So what we see is a jurisdiction with a secret ballot provision that actually has a higher rate of union coverage than Saskatchewan does without that provision. So again I simply turn and say, as part of any analysis on a go-forward basis, some additional variables or factors would have to come into focus. I guess all of this is then . . . We would then turn and ask another question: are there some potential

alternative explanations about what's going on here?

And what we've said previously, and it'll just take me a minute to read through here. There have been waves . . . I think the authors — this is Errol Black and Jim Silver — have come up with an explanation to contextualize at least these remarks. And just take a second here. I'll just get the actual page. That way I can read it. Yes, here we are. Thanks, Mary Ellen.

Okay. In the past, and this is a quote, "In the past, it seems, each successive wave of unionization was followed by either stagnation or decline . . ." The initial, and this is within the Canadian context, "The initial wave peaked in 1920, but declined in the 1930s as a result of the Great Depression . . ."

Then they go into a second wave:

A second wave, involving growth and industrial unions, peaked in 1955. While union membership continued to grow in absolute terms through to the mid-1960s, union density declined. The decline reflected a slowdown in union growth relative to the growth in overall employment and an increase in employment in non-unionized industries relative to unionized industries [pardon me] — specifically the growth in service industries relative to goods-producing industries. The extension of union rights to public-sector workers in the second half of the 1960s provided a fresh impetus to union membership. From 1965 to 1975, the number of union members increased by 1.3 million [people], and union density rose by six percentage points. Union membership continued to grow after 1975 but at a much slower rate, and union density levelled off at about 36 percent in the 1980s. In the 1990s union growth slowed even more, and union density declined. In recent years union density has been at its lowest level since the 1970s.

[They go on, and] . . . possibly the union movement in Canada has now run up against the limits of the expansion made possible by the extension of trade union rights to public-sector workers.

So what this, again, hypothesis or argument offers is there has been a cyclical trend in post-World War II Canada where — sorry, and that really goes into early 20th century as well, pre-war — what we've seen is an ebb and flow regarding rates of unionization within the Canadian context. And they highlight what they've identified as three waves.

So out of this I would turn and say what has been offered by Black and Silver, what we've offered here through the form of questions, is not to dismiss the evidence that the member has offered. It's to simply turn and say there are some competing interpretations. Black and Silver suggest there's an ebb and flow here.

What I've posed, drawing on empirical evidence taken from some Stats Canada results, is to simply turn and say one of the hypotheses, one of the arguments placed forward by the member has some serious questions attached to it as we turn and do an analysis of two what I would call small case studies, and that would be, how do you explain diverging patterns of unionization between Alberta and BC, and how would you

account for, again, the distinction or the gap between Newfoundland and Saskatchewan where in fact Newfoundland has a secret ballot and Saskatchewan doesn't, yet Newfoundland has a higher rate of unionization?

What I have put forward is I've turned and said obviously there are some — at least obvious in a hypothesis — obviously there are other variables, other factors that we ought to be looking at as we come up with an interpretation. All this to say, which takes us back to the initial point, what we have seen is secret ballot provisions overwhelmingly accepted, based on recent poll results, by the people of Saskatchewan — 75 per cent feel that. And what I'll do is I'll actually see if I can come up with the explicit language here.

What is your view on the following: requiring a secret ballot for voting on whether or not to have a union, is the phrasing. What we have is 74.5 per cent of the people surveyed support secret ballots. So it's to turn and say the secret ballot provision is something that we promised in the platform, we're delivering through these amendments to The Trade Union Act. The rationale on a go-forward basis for this relates to ensuring that people have the opportunity, individuals have the opportunity to consult their own respective conscience as they reflect on membership within a bargaining unit.

Any suggestion that this is somehow linked to rates of unionization as we've moved forward, I just cast off to the side. I turn and say this question has not affected or influenced our direction. What we have said we would do is respect the democratic ethos of Saskatchewan.

What we've seen, and Mr. Carr can comment further on this, is a notion of the secret ballot actually already has some resonance, some place, within the organized labour movement. That is, on leadership issues often secret ballots are used; on strike votes often secret ballots are used. So even within the context of organized labour what we're doing is simply saying, here's an instrument, that is a secret ballot, that is simply being put in place. It's consistent with practices that are already there, and people ought to have the right to a secret ballot. That's why we're moving forward on this.

Any suggested connection between secret ballots and rates of unionization, again to contextualize for those perhaps joining us as we're entering probably our 16th or 17th hour here within this committee on this Bill, is to simply turn and say, that's not the purpose of this. The purpose of this is about democratization. And without dismissing outright the argument put forward by my legislative colleague it is to turn and say there are at least competing alternatives or explanations — competing explanations — about what would happen. So that's how I would contextualize kind of where we are to date.

**Mr. Iwanchuk:** — Thank you very much. And so my question was the Alberta and British Columbia experience. The study that I put forward . . . So if we could go into this because I would like to understand; I have some questions about that study. But just to bring this back, the study that I had spoken to last time was between the periods of 1978 to 1998.

**Hon. Mr. Norris:** — Yes.

**Mr. Iwanchuk:** — So it was 19 years, a study, and in British Columbia specifically. As the author put it, said, “This is an interesting period since mandatory voting was introduced in 1984 . . .” So we’ve got 1978 to 1984. We’ve got card and I think of “. . . and then eliminated in 1993.”

So I guess my question, my question was, because you used British Columbia and Alberta, what did you allow for in your, as sort of, in your empirical analysis? What did you allow for these sort of . . . Did you allow for this? I mean obviously British Columbia is a bit of an anomaly since it had card certification and it had voting. And the author, in looking at that, found that it dropped. Union rates fell by 19 per cent. These are not my own figures. And during mandatory voting they dropped, and then they went up exactly the same.

So it’s a period of time. That was the issue that I raise. It wasn’t my issues. We brought forward papers of people who no doubt are respected in the community and do good research. So when we read this, I guess we brought it forward. And so when you said you had your own comparisons, I was interested to see what that would mean.

So I guess my specific question — and that’s what I wanted to know — of how you saw this Alberta and BC. And did you take into account this anomaly? And how did it sort of impact on your empirical study that you had done?

**Hon. Mr. Norris:** — Yes, the answer on this is not uncommon in social sciences, in the social sciences. And that is what I would categorize or classify as a distinction between level of analysis — each valid. That is, the material that you’re drawing upon — and I don’t think I have a copy of it, but that’s all right — is to turn and say, within one jurisdiction there have been fluctuations. And that’s a fine comparison. I would have to look in some level of detail as far as what some of those variables, but methodologically it’s fine. It’s fine to turn and say, chronologically there were some policy changes within a given jurisdiction and the, as I understand it, the author that you’re referring to suggests that there’s a connection between public policies and rates of unionization.

What I’ve done is I’ve turned and taken an analysis at a different level and again this is, if you want, the significance of social sciences because if you just take a snapshot and instead of using this, if you want, isolated jurisdiction — I don’t mean geographically isolated — but if you just isolate it and turn and say, here’s the British Columbia experience over a series of years, if you then flip that around and you turn and say, well actually what we’re doing is we’re doing interjurisdictional comparisons.

And it goes back to an earlier point. Again all of this is to contextualize. I think the initial question actually made reference to rates of unionization, if I’m not mistaken, between Canada and the United States. What we see is if we just take a slightly different vantage point here, if we do an interjurisdictional comparison, then what I’ve raised is a series of questions. That is, the variable of secret ballots does not help to explain the diverging numbers between BC and Alberta because both of these jurisdictions have secret ballots.

As well, then I went to another interjurisdictional comparison,

and that is between Newfoundland and Saskatchewan. If we were to extrapolate from the argument that’s been presented, then probably one of the hypotheses that would come forward would be, okay if there is a connection between secret ballots and union coverage, and you actually roll this out, then probably a hypothesis would come out to turn and say, so what are we saying? Those jurisdictions with rates . . . sorry, those jurisdictions with a secret ballot should have lower rates of unionization. Would that be fair?

**Mr. Iwanchuk:** — Yes.

**Hon. Mr. Norris:** — What then I’ve turned and said the challenge is, empirically speaking, we have Newfoundland that has a secret ballot and Saskatchewan that doesn’t have a secret ballot. So based on the hypothesis — that is, here’s what we can anticipate — probably what we anticipate is in fact Newfoundland should have, based on the argument put forward, is Newfoundland should have a lower rate of union coverage than Saskatchewan. But in fact it’s not that way. It’s not that way. What we have is, again going to Stats Canada, 2007, we have Saskatchewan at about 34.8 per cent and Newfoundland at 37.7 per cent. So what we actually see is a different phenomenon or different outcome than was anticipated from the hypothesis.

All I’m saying is, how do you explain that? Because we, I think, we both agree if the argument was to hold and we would extrapolate that BC experience, we would then begin to anticipate a whole series of outcomes. But what we’ve seen by these two case studies just simply drawn from empirical data available to all citizens of the country, we can then begin to formulate and say, these questions cannot be answered by that hypothesis. That is, both BC and Alberta have secret ballots, but they have diverging rates of union coverage.

So what other variables can we begin to consider? And I think last time I said, political culture may be one, socio-economic indicators may be another, and there may be a whole series of factors that actually influence that. The same holds true regarding Newfoundland and Saskatchewan. So all I’ve done is to turn and say, from a different level of analysis without dismissing the arguments and evidence as presented — actually it’s very, you know, it’s helpful; it’s instructive — but what I’ve done is then taken a slightly different tack on this or a slightly different level of analysis and just simply asked some questions based on empirical evidence that we have before us. So that’s what I’ve done.

In addition to that, what we’ve offered is through Black and Silver, *Building a Better World; An Introduction to Trade Unionism in Canada*. What we’ve then done is we’ve turned and said, you know, probably what we see is an interpretation offered — this is from page 57, and I won’t go through it again — but it’s just to turn and say, there’s an explanation here authored by these two very, you know, respected authors in the field where they offer a different interpretation again. And that is a cyclical interpretation. So here’s the broader context within which these issues are described and debated.

So again I think what it . . . I hope my language last time and if this isn’t reflected, then I certainly want to offer it this time, it’s just to simply turn and say, on this issue there are competing

explanations. There is some evidence that runs counter to the proposed hypothesis, depending on the level of analysis. And I think I would just simply turn and say at this stage, at least based on where we are, and if I'm not mistaken based on some of the studies that you made reference to, even within the studies that you were making reference to, the numbers varied, if I'm not mistaken. One number was close to 20 per cent and another one was close to 10 per cent.

Even within that literature, there's some pretty significant variation. It's to turn and say, at least based on what I've seen, based on work that's under way — and, Mary Ellen, you've been involved in some of this comparative work — I just don't . . . I haven't seen conclusive evidence regarding the argument that you're putting forward. And I say that, you know, I say it respectfully. Actually it's an important conversation. I just . . . We haven't seen conclusive evidence on this issue.

**Mr. Iwanchuk:** — If you just simply bear with me, because I don't think we got . . . We made a little headway here, but I don't think you answered one of my questions, and that was just how you took into account the anomaly of British Columbia when you compared it to Alberta. The anomaly of British Columbia having, in that time period, half — I could count the years — but sort of half-and-half mandatory, because you simply said, well here's one, you know, that had card check or whatever, and they were different.

**Hon. Mr. Norris:** — Two secret ballots.

**Mr. Iwanchuk:** — Yes, but that in fact was not true. And so you dismissed that study just sort of out of hand last time by saying, you know, it wasn't.

So in reviewing the notes, one of the questions obviously, well he must have looked at this closely and then determined, because he would have known that British Columbia had a card check and a system of voting in this, you know, 19-year period of time, and so he would have looked at that. So I wonder what he, how he, you know, in his empirical analysis, how he dealt with that anomaly. Because he was sort of like you could understand the . . . And I have to look at the Newfoundland situation. I have to say I haven't.

**Hon. Mr. Norris:** — Yes.

**Mr. Iwanchuk:** — And that, and what you did there. But in this one I definitely had a look at this. And I was just wondering how you dealt with that anomaly there to sort of so quickly dismiss it, because you, if we looked at *Hansard*, you were simply saying British Columbia was, here was a good comparison.

**Hon. Mr. Norris:** — Sure.

**Mr. Iwanchuk:** — But it has this anomaly. So I'm just wondering what, when you saw that, what did you, how did that sort of fit in your thinking and analysis?

**Hon. Mr. Norris:** — Well it goes to the, it goes to the two different levels of analysis. The one is just focused on one jurisdiction or if you . . . sometimes it would be called kind of a state level. And I won't get into kind of different levels of

analysis but generally . . . because there are . . . But there can be three kind of categories of analysis: one at a psychological level, one at a state level, and one at a system level.

Now there are authors that turn and fill in those gaps. And I certainly I don't dismiss that. But it's to turn and say, what you've done is helpfully offered some insight into, if you want, a snapshot of British Columbia, using public policy as one of the variables to turn and say, based on transformations in public policy within British Columbia, there's a connection between or a connection to union coverage.

All I've done is I've turned and said, from a different level of analysis, that is not specifically looking at British Columbia but looking at 2007 data plus the research that we did, I've simply turned and said, if we take a slightly different tack on this analysis, we turn and we see that . . . And we take the comparison. Instead of being within the context of British Columbia and then looking at the public policy variable, if we then transform that and turn and say, actually what we're looking at is a comparative study or hypothesis between two jurisdictions, then we turn and say, something, something, some variable or variables have to come in because both Alberta and British Columbia have secret ballots.

So it's to turn and say . . . And it's not at all to as I say, if I've given it short shrift, it's not to give it short shrift. It's just to turn and say, again the helpful piece regarding social sciences is if we take this and actually flip it around, we can turn and see that there at least has to be, in my opinion, other variables put on the table because the rates of unionization in 2007 — that is union coverage — there is, you know, close to a 10 per cent spread between Alberta and BC. Well if both jurisdictions have secret ballots, how do we account for that 10-point spread? What's that? Sorry.

**Mr. Iwanchuk:** — Yes. No. I'm glad they would but . . . No that was exactly, I think, that's exactly the point. And that's where I'm confused, is because British Columbia between 1978 and 1998 . . .

**Hon. Mr. Norris:** — Yes.

**Mr. Iwanchuk:** — Okay. In 1984, so that's six years, they . . . Mandatory voting was introduced in 1984. So this study's from 1978 to 1993. So you have six years or whatever years, between '78 and 1984. And then again it was eliminated in 1993. So then you've got five more years from 1993 to 1998 where we go back to card-check systems.

So you really — and this is where I was struggling — because I mean the . . . And I don't know if the Newfoundland kind of comparisons when you do it that way. But here was a study, and you compared the two. And I didn't think that was a fair comparison because they were not voting, they were not both just voting. British Columbia had a card-check system for, let's say, half of that — no, do the math here — but you know, half, it looks like about half the time. So I didn't think that was a fair comparison.

You know, and you simply dismissed it just right out of hand and said here was what we were doing. And it confused me because British Columbia did not in fact have just mandatory

voting; it had a card-check system plus that.

But just the other thing because then there's another study out of Queen's that does it in Ontario because Ontario as well, the effect of a change from a card check to mandatory in 1995. And then they found introduction of mandatory votes had a highly significant effect on the probability of certification. So that was another within a large jurisdiction.

And then of course the other one that we talked about was the whole United States and Canada. And I think I said that all the states in 1960, during the 1960s, the unionization rates in Canada and the US [United States] were the same. They go through a number of variables whatever, you know, in terms of . . . but overall what they seem to be doing . . . And then the United States, the National Labor Relations Board, there was a lot more voting put in. And so now you have where there's only, I think I said, Hawaii and New York — and then Alberta — are the only two states and all the rest of the provinces are, there's more union density, and then all in the states are less down to North Carolina.

So my question was — and I mean these are all just studies done over time. You know, in looking at this, it was very interesting because . . . But the Alberta bothered me a lot because you compared there. And it was just sort of, I have to say, a bit flippant in terms of saying that Alberta was voting because in fact it's not true.

**Hon. Mr. Norris:** — Well if I may, I mean what we have, we have empirical data before us. Alberta is voting. If we were to extend the study — and unfortunately the study that you make reference to sounds like it only has a limited time. BC has gone through another iteration, if I'm — again I don't have the material you have before you — but if I've understood you correctly, what the chronology you've traced is, BC went from secret ballot to card check, but BC has returned to secret ballot if we have this correct. So I mean the social science question based on your level of analysis, what happens to BC as it returns to a secret ballot? What I'm offering, and I don't know how this compares, but is that BC 2007, under secret ballot, there's 32 per cent union coverage.

Now there's a gap there between, I think, 1998 when your study concludes and where we are essentially 10 years later, 10 years hence, so there's a gap. There's a gap of analysis about what then happened in British Columbia and — you know, I hope some graduate student somewhere is actually working on that; I mean it would be a great project — but it doesn't, I would propose, it doesn't in any way interfere with the hypothesis that we've put forward.

That is, this is a different chronology. So without looking back into BC's history, if we just take a snapshot of BC and Alberta today, how would one describe a divergence of 10 per cent in unionization between those two provinces, each of which have secret ballots? There has to be some. Now I've thrown a couple on the table. I've said probably some political, cultural pieces, probably some socio-economic pieces in there, maybe some other variables, but you would have to have this, you would have to have this hypothesis. I mean how do you explain that? I haven't seen anything conclusive to say how we'd explain it.

What I will do is to turn and say, I mean it's helpful to have this but it is to reinforce that, as we move forward on this, our focus was on ensuring the democratization of the membership in order to consult their own conscience. That's really what this is about.

This other piece, it's interesting and we can keep going on it. But it's to turn and say, at least within the contemporary Canadian context, there are two case studies — BC and Alberta, and Saskatchewan and Newfoundland — that at least give rise to significant questions regarding the hypothesis that's been put forward if it's to be extrapolated.

Now what's the methodology? The methodology offered by the member is looking specifically within given jurisdictions, and the methodological lens as I'm offering is to turn and say, well what we see here is if we do interjurisdictional comparisons, it leads to a whole series of questions. And I'm interested in how those questions may be resolved.

Again, we can sit down. Black and Silver have offered a hypothesis that it has a lot more to do with an ebb and flow of union membership. But that's, these are just simply two different lenses through which to look at this question.

**Mr. Iwanchuk:** — Just on the, and this might be the final point of this, but in terms of doing an overall sort of picture, because I think that that's what you were saying, is that by using these three studies . . . There's always some further written comments here. But it said, why these findings are important for understanding differences in unionization rates in Canada and the US, since there are five jurisdictions yet that allow automatic certification and all five Canadian provinces — that being Saskatchewan, Manitoba, Quebec, New Brunswick, and Prince Edward Island — the remaining five provinces and all 50 states require a secret ballot vote to approve the certification of a union as a collective agent for workers, which these three researchers independently argue, at least about lower certification attempts and unionization success rates.

So what they go on to say is that unionization rates in Canada support these conclusions. The average unionization rate in 2004 for the five Canadian provinces that still permit automatic certification was 34.7, and this is 13.8 per cent or 4.2 percentage points higher than the average unionization rate for provinces that require certification votes at 30.5.

So they, you know, they're sort of doing it, taking these studies in provinces and then doing this in overall. And if I understand what you're saying is that you want to take the BC and Alberta — and I'm not sure that's the best one, but maybe the Newfoundland — and asking okay, so what are the differences that would . . . why would it be this way then?

**Hon. Mr. Norris:** — How would and . . . yes.

**Mr. Iwanchuk:** — But I mean it is not, at the very least . . . And I maybe listened to your comments on this. It's very interesting that where there is card certification we find these kind of numbers. And I guess I was, as I've mentioned before, disappointed that you haven't heard about these . . .

**Hon. Mr. Norris:** — Oh I've never said I haven't heard about

these.

**Mr. Iwanchuk:** — Research papers. Well I think you did.

**Hon. Mr. Norris:** — I said I . . .

**Mr. Iwanchuk:** — I think you did.

**Hon. Mr. Norris:** — I said I don't have access to what it is, the actual document that you're going through. What I . . .

**Mr. Iwanchuk:** — So you looked at these and then you just went with the Black and Silver. I mean you looked at these and looked at Black and Silver, and you said well this is just like last time, you don't support this.

**Hon. Mr. Norris:** — No.

**Mr. Iwanchuk:** — I guess that's what I was trying to get at. Like if you had the research that you did and you had really an analysis and then you said, well look we've looked at this. We don't accept this. I mean I think you said something like that. I don't accept the hypothesis of this and here's why, and you went on to do that. So I was just wondering if you had gone over this, these kind of papers, or if you'd ever seen this kind of analysis?

**Hon. Mr. Norris:** — I guess the challenge for me, Mr. Chair, is — and I'm assuming for the other members as well — is this document the member's referring to has not been tabled. What we did is we've tabled all the information that I'm making reference to with the exception of Black and Silver, and I've offered page numbers and publication information.

The significance of what I'm offering, even on this last point, when you say there are five Canadian jurisdictions — and I may have the numbers wrong — the average 34.7 based on 2004 numbers. Let's just . . . I mean we can go back to the Alberta and British Columbia questions, and they're valid social science questions.

But we can go to Newfoundland and Saskatchewan and we can say, based on what's just been offered here . . . And I think there's an argument hypothesis that you're suggesting. And that is, if we extrapolate on that, the hypothesis would probably lead us in the direction of turning and saying, Newfoundland . . . Saskatchewan should have higher numbers of unionization, all things being equal, unionization than Newfoundland does if we're just looking at the secret ballot provision. What we find is not that case. What we find is Newfoundland has, based on 2007 numbers, a higher rate of unionization than Saskatchewan does.

At that point and that point alone . . . And it's the exact same principle on the BC and Alberta piece from a different level of analysis. We have to come up with an alternative explanation based on the argument what would account if secret ballots are the indicative variable here. How do you account, how would a person — it's a rhetorical question — how would a person actually account for this divergence between Saskatchewan and Newfoundland?

And based on what you're presenting, the answer is with great

difficulty, with great difficulty because the analysis that you're offered actually doesn't roll out. There's no, there's no linear progression here between the arguments and evidence offered by the member and the actual outcomes as we look at Saskatchewan and Newfoundland.

The BC and Alberta piece remains valid. To turn and say what accounts for the divergence of almost 10 points between two neighbouring provinces on rates of union coverage remains, remains a very valid and significant social science question. Now we may look back and say there are some policy distinctions between the two. Okay, that may be one of the variables.

But the instrument in question, secret ballot provision, secret ballot provisions are in both BC and Alberta. And we have every intention of also ensuring that they're going to be in Saskatchewan. And the people of Saskatchewan, based on a recent poll, are supportive — overwhelmingly supportive — of this extension of the franchise, basic franchise into, into issues of whether as individuals they choose to belong to bargaining units or not.

And I mean I'm happy to keep going. It's just all we've done is I think we've looked to competing analysis. Both may be valid. The language I hope I used last time was . . . It leads me to turn and say there's a lot more work to do before any hard and fast conclusions can be drawn regarding connections between secret ballots and union coverage.

**Mr. Iwanchuk:** — Mr. Chair, yes, I thank the minister because this has been helpful, I think. But, Mr. Minister, you've been using that poll, sort of, here. I take it from quoting from it, you have it here. Are you prepared to table that since it seems to be the sort of flavour of the day or whatever? If we could just see the . . .

**Hon. Mr. Norris:** — Sure.

**Mr. Iwanchuk:** — I mean, if it's this good for you I would think you would be wanting to . . .

**Hon. Mr. Norris:** — I've got, actually if I . . .

**Mr. Iwanchuk:** — I was thinking the questions you were reading, the actual poll questions?

**Hon. Mr. Norris:** — Why don't I just . . .

**Mr. Iwanchuk:** — I mean, I've read the newspaper as well.

**Hon. Mr. Norris:** — Well it may be instructive, it may be helpful to actually go through part of this. This is "Trade union support in question." This is by Randy Burton. It's from the Saskatoon *StarPhoenix* today, Tuesday, May 6. Actually I'll read a little bit of this:

Is Saskatchewan ready for a general strike?

Saskatchewan Federation of Labour (SFL) president Larry Hubich must be starting to believe his own rhetoric. There is really no other way to account for his musings on the possibility of a general strike in Saskatchewan to protest



the Saskatchewan Party government's proposed labour legislation.

We all know the SFL's job is to oppose any move that might weaken the power of organized labour, so naturally he would oppose essential service legislation and amendments to The Trade Union Act.

In any strike situation, naturally labour would want to dictate which workers would remain on the job and which wouldn't. The trick for the union is to have just enough people on the job to avert disaster, but few enough that management works itself into the ground in short order.

Having the power to choose which workers should be deemed essential is a huge tactical advantage that no union would willingly give up.

But to suggest there would be any support for a general strike as a protest against essential service legislation is to badly misread public opinion at large, and perhaps even to overestimate the support of union members themselves for Hubich's brand of politics.

At a rally last week in honour of International Workers' Day, Hubich said the government's labour bills may yet provoke a huge backlash from organized labour.

"I can't promise anything but I'll tell you there are unions who would close ranks around another union and shut their own workplace down. If that's what it takes to bring these guys back to their senses, that's what it takes.

Again, reading from the quote:

"This government hates unions and that's what it's all about" [which, I will put in parentheses, is just blatantly not true. To go back to the quote:]

"It's not got anything to do with public safety, it's not got anything to do with ensuring democracy in the workplace," Hubich said.

This simplistic approach has become the strategy of choice for a large number of those who oppose the Sask. Party on partisan grounds. It's so much easier to attack personalities than policies.

Take the essential services legislation, for example, which will ensure some people will remain on the job in the event of strikes that affect public services, such as health care and highway maintenance, among many others.

Every other province in the country already has similar legislation, making Saskatchewan [one of] the very last jurisdiction in the country [sorry, it says the very last jurisdiction in the country] to bring in such a law. [As I've said before, it's been tabled in Nova Scotia.]

So if the Sask. Party hates unions, it finds itself in the company of some union-friendly governments, including that of Gary Doer's NDP administration next door in Manitoba.

Second, if the Sask. Party is so out of touch with the voting public, you might expect it to be reflected in public opinion. However, the available information demonstrates just the opposite.

A poll conducted by Sigma Analytics for the Regina Leader-Post shows . . . half of the province has never even heard of the changes to labour legislation. In fact, union members are less likely to have heard of the changes than non-union members.

Of those who have heard of the labour bills, a solid . . . 70 per cent agree essential services legislation makes sense.

An even stronger majority of about 75 per cent of the public agrees with the idea of a secret ballot for voting on whether to have a union in a workplace.

The poll, conducted in late April, sampled the opinions of 510 people, which produces a margin of error plus or minus 4.3 per cent, 19 times out of 20.

The results of this poll put the labour debate into a somewhat different context. The issue is not whether there should be essential services legislation, but how those workers deemed essential should be chosen. The Sigma Analytics poll shows labour has a case to make there, given that almost half of the public believes the government is casting the net too wide by allowing management to make that choice.

[But] instead of making a stand there, however, Hubich has chosen to personalize the debate, a tactic that is clearly failing miserably.

And it goes on. The reason I've quoted that is to turn and say . . . which I think is fair and balanced. I mean, this is, I think he offers some commentary there. But why I've read that is to reflect on the significance that Randy Burton — arguably one of, you know, very highly respected and highly regarded columnists — he speaks specifically to some of the details regarding the poll. The poll came out this past Saturday, front page of the Regina *Leader-Post*. So, I mean, there's a reference to the poll.

**Mr. Iwanchuk:** — I think my question was whether you'd be prepared to table the poll questions because you read into the record the exact question around the 75 per cent that felt . . . So I just wondered if you could table the poll questions around the essential services which you now read into the record and . . .

**Hon. Mr. Norris:** — Yes, I'm comfortable to support actually the story that ran in the . . .

**Mr. Iwanchuk:** — No, what I'm asking about, the poll questions because obviously you have them because you read off the question, and I'm just saying are you prepared to table the poll that has the questions around essential services and this. I mean it's obviously good and . . .

**Hon. Mr. Norris:** — What I'm prepared to table is as I've said I'm prepared to table the . . . I've just read into the record, and I'm also prepared to table the story that ran in the media.

**Mr. Iwanchuk:** — No, I understand that. But you read the exact question in an answer. So you read that, but you're not prepared to table the poll, then.

**Hon. Mr. Norris:** — That's right. Yes.

**Mr. Iwanchuk:** — Well okay. I guess what can you say? I understand — I wasn't there — but I understand that your Premier was sort of threatening you to answer some of these questions today if we didn't behave . . . I didn't know if I missed something there, whatever.

Well no, before I leave I just thought these folks probably here were a bit jealous, you know, that kind of . . . If you're out there, you've made videos already and you've made the news and in the paper and good star billing, so I think that they should probably watch and get a bit jealous of you.

But thank you very much, I'll be passing over to one of my colleagues now.

**The Chair:** — I recognize Ms. Junor.

**Ms. Junor:** — I have some questions of the minister on actually it's clause 6(11)(1)(a), and it's again about the employer expressing their opinion. I'd like to know if you could give me an example. I know the employer can't say anything that would intimidate or threaten or strain and all those sorts of things, so give me an example of something that the employer could actually say that would advance the debate. Like what would be an acceptable conversation between an employer and an employee that he or she would share an opinion or statement of facts? Give me an example.

**Hon. Mr. Norris:** — I really appreciate the question. There are so many variables and factors that would come into this that it's probably not appropriate for me to blue-sky on this. Really what it does is come down to a reference to the Labour Relations Board as individuals or entities would feel appropriate.

**Ms. Junor:** — So if somebody, someone would have to complain that they felt threatened, coerced, or whatever, before any remark, any statement, or any conversation would be considered to be inappropriate. That's what you're saying?

**Hon. Mr. Norris:** — No, that's not what I said. Thanks very much for the question. The dynamic would be, an allegation would be made to the LRB [Labour Relations Board]. Would it have to be an individual? That wouldn't necessarily be the case. That is, notions of advocacy or other agents could bring forward the case. So it's to make a distinction. The allegation would have to go before the LRB, but it wouldn't have to be an individual.

**Ms. Junor:** — That's part of the question as a follow-up. But my original question wasn't . . . like an example. I still don't understand how you could have a communication with an employee that doesn't . . . especially I mean during a union drive. You're talking about a specific type of an issue or an occasion that's happening in the workplace. So I can't actually think of one. And I was hoping you could help me by telling me, give me an example of a communication, a fact, or an opinion that wouldn't cross over these boundaries that are put in

this one clause — something that would be useful to the union, the movement that's happening, the union drive; or useful for the employer, some opinion or statement of fact that wouldn't cross any of these boundaries but that would be acceptable and that would advance the cause that's happening or the issue that's happening at the time.

**Hon. Mr. Norris:** — It wouldn't be appropriate for me to, again, to begin to blue sky on this, that it would be contextual, and it takes us back to the second question and would lead to an allegation that would be directed to the LRB through an individual or, I hope the clarification I offered, is through advocate or other agent.

**Ms. Junor:** — And that I understand — people's rights under the LRB and under The Trade Union Act and all those sorts of things. But I was just looking for some clarification about what would be something that you would have seen in perhaps in your study of the other jurisdictions and with your experience that you have in your advisers at the LRB, if they would have something to add to this debate, but apparently not.

So I'll ask a different question then about the same actual clause. Can the employer or an employer agent be present at the union vote, anywhere near where the vote is being held? Can they be present, and can they give their opinion or state any facts at that point?

**Hon. Mr. Norris:** — A twofold question as I've understood it. Employer or employer agent and then present or within some proximity. And on the second one, that is just in relating to notions of this communication during that process, is that right? Okay.

Again I appreciate the question. The question again relates to a matter that I wouldn't comment on. It really relates to an internal matter of the board.

**Ms. Junor:** — Can you say it again?

**Hon. Mr. Norris:** — Oh sure. Sorry. Yes. I really have no substantive comment on this. It would relate to an internal matter of the board.

**Ms. Junor:** — I asked the question if the employer or employer agent be present at a union vote, which I would assume would take place in the workplace, so my question was, can they be present?

**Hon. Mr. Norris:** — Yes. The vote can take place any number of places, and because of that, because the circumstances that would surround any specific case, the board would set the parameters as far as what that activity would look like.

**Ms. Junor:** — Okay. So there could be then an occasion where the employer could be present at a union vote? Because I would expect your answer to be just straight no, is what I was expecting.

**Hon. Mr. Norris:** — Yes. I have no substantive comment on that. It really relates to internal matters of the board.

**Ms. Junor:** — That's a strange answer. But anyways, can the

employer communicate with an individual anyplace other than the workplace about matters pertaining to the certification process or a union drive?

**Hon. Mr. Norris:** — It may just be helpful to actually just review 11(1)(a), and that is, you know, obviously the parameters that are being addressed. They're quite explicit, and there is very specific reference relating "to interference with, restrain, intimidate, threaten, or coerce an employee in the exercise of any right conferred by this Act, but nothing in this Act precludes the employer from communicating facts and its opinions to its employees."

So there are the parameters and those are set out. Those would be interpreted by the Labour Relations Board as allegations are brought forward.

**Ms. Junor:** — So I really don't understand why you couldn't answer this simply, because I'm not trying to be . . . I have no nefarious motive. I just want to know if I'm in a workplace and my employer comes up to me and asks to speak to me individually, then I would have to say to the LRB that I found that to be threatening or I felt coerced. There's nothing that's in this Act or in your answer that you could say to me that no, the employer could not take me aside and speak to me about this. I would have to actually allege that.

**Hon. Mr. Norris:** — Again we've addressed, we've addressed the issue as far as an individual having to go. I'm trying to remove it from . . . I believe what the member's doing is setting out a scenario. So the scenario is, here are the constraints. We've established that it doesn't necessarily have to be the individual. It can be a notion of advocate or agent on that individual's behalf, but obviously given the hypothetical nature of the scenario, I'm not going to comment on hypothetical cases.

**Ms. Junor:** — Every question that I could think of to ask for this is pretty much hypothetical or clarification-wise, so I'm disappointed that you won't actually try a little harder and just fall back on the same answer that you continue to give which I don't find too helpful.

But I think it's disappointing that when this is actually a new clause that does have some significant impacts at the workplace, that the questions I've asked, you continue to deflect them back to the LRB, so the onus then on the employee is fairly, is fairly huge actually during any of this. It has a fair amount of effect on an employee. And knowing that not all employees feel empowered to come forward, I think is disappointing that there couldn't be some — at least in your answers — reassurance that, no, the employer cannot take me aside and speak to me; that, no, they can't be present at a vote to give their opinion as I'm walking in the door.

Those aren't assurances that you're ready to give because you seem to think that they're blue-skying, but those are actual things that will happen in the workplace when this comes into effect. It's not blue-skying; it's actually what's going to happen. So I'm disappointed in the answers, and I don't have any further questions. Thank you, Mr. Chair.

**The Chair:** — I recognize Ms. Morin.

**Ms. Morin:** — Good evening everyone, good evening, Mr. Minister. I want to just refer back to one of the questions that my colleague asked, and that is with respect to the employer being present on the worksite when a mandatory vote is being taken, is taking place.

I wonder if the minister can just provide more clarification or clarity on the issue because it seems to be a little bit, a wee bit confusing at this point.

**Hon. Mr. Norris:** — Appreciate the question. I'll try to clarify. That is, only the LRB can determine if communications goes beyond clause 11(1)(a). Now the significance of this is that — and I think Wynne Young put it aptly and concisely — this is not new ground. That is, within Canada, federally, BC, Alberta, Saskatchewan — shortly — Manitoba, Ontario, New Brunswick, Nova Scotia, and PEI [Prince Edward Island], you know, this or a variation of the wording that we've used is actually . . . And I think, Wynne, you've got that. Maybe I'll just take that page and I'll read the exact . . . for the jurisdictions.

What we've said here, communicating facts and opinions, in Alberta, it's employers' views. In British Columbia, statement of facts or opinion reasonably held. Manitoba, a fact or opinion. So again we see significant alignment between Manitoba and Saskatchewan. In New Brunswick, employers' views. Nova Scotia, employers' views. Ontario, employers' views. Prince Edward Island, employers' views. And federally, employer's personal point of view.

So hopefully that's helped to contextualize these remarks, but it is to turn and say, again only the LRB is in a position to determine if communication steps outside the parameters provided for in the law.

**Ms. Morin:** — Thank you. That would have answered the question regarding communications at a mandatory vote taking place. I'm wondering if the minister could provide more clarification on a very fine point of whether or not an employer can be present at a mandatory vote. But given that the employer would have the ability to engage in communications when a mandatory vote is taking place, I would then assume then that the employer has the ability to be present when a mandatory vote is taking place. Would that be correct?

**Hon. Mr. Norris:** — I think . . . and certainly Mr. Carr raises a very good question here, and that is, we're just trying to get some clarification of what it means to be present.

**Ms. Morin:** — Well given that the employer has all these abilities for communication that was just described, it would then say to me that the employer has the ability to be there when a vote is taking place. Would that be a fair statement to make?

**Hon. Mr. Norris:** — I think this is the significance of the secret ballot provision. There will be secret ballots, so it will be the individual and his or her conscience that would be there. We're just trying to, you know, I guess one scenario could be if a vote was to take place on the premises that, hence the question of what does present mean. But as we move forward towards secret ballot, the individual has the opportunity again to consult

his or her conscience and that's, you know, that's to be a secret vote. Yes, personal and private. I think that's . . .

**Ms. Morin:** — So one would then surmise from that answer that if one was looking for a yes or no answer to that question, the answer would then be yes that the employer could be present on the premises when a vote's taking place.

**Hon. Mr. Norris:** — I think, and this is helpful . . . the LRB would determine the conditions under which a vote takes place. So I, you know, I'm not going to offer again . . . because of a scenario I'm not going to offer an unqualified answer on this. This is dependent on a number of variables.

**Ms. Morin:** — Okay. So if we set aside the variables, what would it be if it . . . What would be the minister's intent? Would the minister's intent be that an employer could be present at a vote or not?

**Hon. Mr. Norris:** — The intent is for a fair, free, and secret ballot. That's the intent.

**Ms. Morin:** — We'll move on. So when a federal or a provincial election is held, a government can't use their position of power to shape the outcome of an election. So I'm wondering why the minister's proposing through Bill 6 to enable the employers to use their position of power to shape the outcome of a union representation vote by being able to have — how should I say? — unencumbered communication.

**Hon. Mr. Norris:** — Well I would, I guess, challenge the assertion and categorization. The member, if I've heard correctly, speaks about a notion that I politely disagree with, and that is the notion of an unencumbered vote. That is, the terminology we've been using purposefully relates to responsible communication, and the notion of that responsibility really relates to clause 11(1)(a) and the parameters set.

**Ms. Morin:** — Okay so I'll rephrase the question. So given that employers will have the ability to have communications with their workers up to and including at the time of the mandatory vote, as long as it's within the parameters laid out in the amendments to the TUA [Trade Union Act], why is it that it's necessary to allow that to happen and thereby influence the outcome of a vote, potentially?

**Hon. Mr. Norris:** — Yes, I mean this is the question if I have it: the rationale behind the amendment. Okay. The add-on, I appreciate your qualification at the end where you said, potentially. I mean it's a helpful question. Thank you.

Thanks very much for the question. The rationale is framed around free, fair, and informed decisions, and individuals having the opportunity to consult — an individual consulting his or her conscience upon selecting to participate in a bargaining unit or not. The notion here is again around, explicitly around notions of responsible communication.

**Ms. Morin:** — Well, Mr. Minister, the labour community feels that Bill 6 takes away workers' ability to organize unions and union activities free from employer coercion and intimidation. There's also a good number of women, a large number of

women that I've spoken to so far that feel that Bill 6 is a women's issue, given that women are still only earning approximately 70 cents for every dollar a male earns, given that unionized women generally speaking earn higher wages and have benefits and pensions and enforceable rights regarding safety, for instance, without fear of retribution by their employer.

Unionized women's wages contribute greatly to our local economies and support local businesses. Unionized women's wages also contribute greatly to the tax that is collected by the various levels of governments in the province as well. So by making it more difficult for unions to organize, Bill 6 is being seen as an attack on women. So my question to the minister would be, why is the Sask Party in essence declaring war on the working women in this province?

**Hon. Mr. Norris:** — I reject categorically that language. And on a substantive basis, while the member may make reference to support of a specific provision or case that she may be speaking to, I'll just reiterate Randy Burton's column here:

An even stronger majority of about 75 per cent of the public agrees with the idea of a secret ballot for voting on whether to have a union in the workplace.

So what we see here, quite consistent with the broader democratic ethos that is, that is Saskatchewan, we see that this provision actually is help to ensure that individuals — men and women — have the opportunity to, an individual will have the opportunity, the right, the right to consult her conscience before opting to or refusing to belong to a bargaining unit.

I guess I find it very curious within the context of Canada, where we can go back decades as manifest on Parliament Hill where the famous five have a statue in the honour of the Persons Case where women across Canada slowly, too slowly, the right to vote evolved. And now what we hear from the official opposition is that somehow there is a notion that a secret ballot — a secret ballot — and we'll actually, I'll dig out the dates but that early champions, especially here on the Prairies, early champions relating to women's suffrage, suddenly there's a 180 and a right to vote in secret through secret ballot is now, if I've interpreted this correctly, somehow an element or instrument that detracts from gender equity.

I find that there is a significant fracture here. And we'll actually dig out some dates and some of the scenarios but the suffragette movement that so defines the march or evolution of political rights in Canada, the fight that was led by women — Prairie women principally, Prairie women — as manifest in the Persons Case, as manifest today as one of the few statues on Parliament Hill that is not a prime minister. The famous five — you can see them. They're right in between the east block and centre block out overlooking the river. I've taken my daughter there and said, this is monumental in the history of Canada regarding issues of equity, freedom, and how an argument through such hyperbole on a debate or dialogue that was relatively respectful suddenly takes such a turn.

Well I reject it outright and I . . . Frankly the onus is on the official opposition of how they would turn and say, how they would turn and say a notion of a secret ballot somehow

interferes with notions of equity, especially given the political evolution of Canada. That remains a question that I guess only the official opposition can answer.

**Ms. Morin:** — Glad to do so, Mr. Minister. Thank you. The notion that a war on, or I guess . . . what was my wording? Did I say an attack on working women in the province? That actually came from the current Premier in his radio program that he said that he might have to go war with labour. So going to war with labour, and given that unionized women having an advantage in terms of wages, benefits, pensions, protection, job security — greatly affects women more so than men — I would have to say that one can interpret it then as an attack on the working women in the province. So that's where that notion came from quite frankly, Mr. Minister.

And this has to do at this point with respect to, with respect to employer interference in such issues, for instance, as union organizing drives. We know from statistics in BC and Ontario that the switch from automatic certifications to secret ballots resulted in a marked decline in successful union certifications. So if the minister is so strong to reject categorically the phrase of, an attack on women or, having declared a war on working women in this province, will the minister also guarantee us firmly that women will continue to see unionization rates increase in the province of Saskatchewan?

**Hon. Mr. Norris:** — For the record, I do categorically, categorically counter and dismiss the language that's been used here, and we could spend a long time deconstructing what's going on here. But I will just simply turn, I will just simply turn and say, what we're . . .

**The Chair:** — I ask the committee members to come to order and allow the minister to make his response.

**Hon. Mr. Norris:** — Yes, rejecting categorically the premise of the question. We are now back and I'm going to try and take the high road here because actually, you know, it's just disappointing to be at this stage and to . . . We may agree to disagree on some points, but to have this kind of proposition come forward, it's just unfortunate. But let's go back. I'm going to take the high road.

Let's go back to where we were. That is, secret ballot provision is in place to help ensure free, fair, and informed decisions can be made by an individual male or female based on his or her conscience. Any reference to or linkage, supposed or hypothesized linkage to rates of unionization, what we've attempted to do — and we spent the better part of the first half of this session going through this. It was actually a constructive exercise. We've addressed this.

That is, there are at least two levels of analysis and what we see is competing evidence which then would lead to further work that needs to be done before drawing conclusive conclusions that is in material that's been offered earlier this evening that is based on a chronological study of BC. What we've seen on that chronological study of BC — again, the document wasn't tabled — was that, if I have that correctly, the study ended about 10 years ago. And so there is a significant gap in that chronological study.

To counter that chronological study through another level of analysis, what we attempted to do was to turn and say in fact through a different lens, that is, an interjurisdictional lens, there are two contemporary case studies that would have to be accounted for. That is, looking at the variable of the secret ballot, there is BC and Alberta with two different trajectories or two different results — about a 10-point spread regarding rates of unionization between those two jurisdictions. Some variable or series of variables would have to be taken into account.

And regarding Newfoundland and Saskatchewan, one would anticipate, drawing on the conclusion just offered, that in fact Saskatchewan would have a higher rate of unionization. This in fact is not the case. Newfoundland with a secret ballot has a higher case. So what I have suggested is again, respectfully, to turn and say, the evidence offers at least a series of questions, what I would call probably competing claims. There's more work to be done in this area.

In addition to that what I've done is I've then quoted a pretty well-known book. It's just come out, its second edition — Errol Black and Jim Silver. Essentially what they've done . . . And I'll simply summarize. I won't read it again for everyone. What we've seen here is an ebb and flow or what they term to be successive waves. Their work takes reference or is referenced beginning about the 1920s and then comes in contemporary times with an ebb and flow of unionization. And so it is to turn and say that I would posit that there are competing interpretations or at least questions that remain to be answered.

I think what I'll do is I'll make reference to a story from the *Leader-Post* today, and just give me one second, and I'll get that.

I'll just quote from Bob Hughes's article today in the Regina *Leader-Post*. I don't have the page number, but again for the record it's May 6:

If labour laws are [to be] fair to both sides, then more businesses and people will move to Saskatchewan. The economy will continue to grow, even faster than it is right now. And, who will benefit from that? The unions will. Business will. And virtually all Saskatchewan people will.

That is obviously what we see is, with over 500,000 people working in Saskatchewan, year over year, 14,000 new full-time jobs in Saskatchewan, what we see is a growth environment, a growth environment that offers new opportunities for men and women with greater levels of certainty and security. And so again I challenge the very premise. I think Bob Hughes has captured it very well — a growth economy, dynamic society.

Unions have opportunities to make their case. All we're saying here is individuals have a democratic right, and especially in the case of notions of equity, issues that have been long secured by women across Canada, more unevenly per province. And we saw that this is consistent with those gains that have been made, that is, secret ballot provisions.

**Ms. Morin:** — Thank you. Well, Mr. Minister, here's the difference. I'm not quoting Bob Hughes because I'm not sure of Bob Hughes's expert qualifications on this issue, but I suspect they would be fairly limited. I'm quoting from statistics from

BC and Ontario that the switch from automatic certifications to secret ballot votes resulted in a marked decline in successful union certifications. So that would be where I'm going to be taking my evidence from, not from Bob Hughes and the *Leader-Post*.

However since we're on the *Leader-Post* today, there's also another quote in the *Leader-Post* today from the Canadian Federation of Independent Business CEO [chief executive officer] quoted as saying, quote:

The message we've been sending to governments and others, even banks, is: Don't add to the instability [of the market]. Do things to instill confidence and not worsen the situation.

**Hon. Mr. Norris:** — Yes.

**Ms. Morin:** — So how is it that by creating an unstable labour environment in this province . . . Because clearly you've had a parking lot full, not to mention the front steps of the legislature full of workers from this province who are deeply upset about this legislation. The minister has already said . . . I've had — let's put it this way — I've had over 3,000 emails sent to my office, much to the chagrin of SaskTel because it crashed my system.

Anyways my point is, is with that much labour unrest in what was a relatively stable labour environment in this province, how does that then work with what the CEO of the CFIB [Canadian Federation of Independent Business] is saying about, please don't create an unstable labour environment. Please don't worsen the situation. Instill confidence instead.

**Hon. Mr. Norris:** — Thank you for the question.

Thank you very much for the opportunity to respond. Although a very narrow lens, I'll just simply turn and say I guess I put the first question to a sense of — what would you say? — certainty. The Saskatchewan Party was elected and cabinet sworn in while the strike was under way, CUPE [Canadian Union of Public Employees] strike at the University of Saskatchewan and the University of Regina.

I've quoted to this committee before, that's on the public record. The issue of essential services was not clarified prior to the labour disruption. And as a result, to the dying days of that labour dispute, that issue was in contention. I'll phrase it like that. So by coming forward with essential service legislation, which this committee has reviewed, we turn and say we believe that that notion of public safety and right to strike, I think we've got that balance.

I don't have the quote that the member's just offered right in front of me, but what I can say is again the member, and quite correctly, says you know, there are a number of individuals that have reservations about these labour Bills. Such is the case within a healthy, democratic society. Welcome to pluralistic Saskatchewan where there's broad-ranging opinions.

I know some of the emails I've received come from other jurisdictions. I don't know if that's the case with the member from the official opposition or not, but certainly some of the

notes that I receive come from the four corners of the earth actually. But what I do want to offer, if the member from the official opposition is concerned about business or corporate interests being unhappy with steps that have been taken regarding labour relations, which I think was being implied, you know, I just want to offer March 12, the Saskatchewan Chamber of Commerce, the quote is, "The Saskatchewan Chamber of Commerce applauds the Government of Saskatchewan for bringing to second reading the amendments to The Trade Union Act and the new Essential Service legislation."

As well the Saskatchewan Business Council, March 11, quote, "53 Saskatchewan business organizations say the provincial government's Bills 5 and 6 deserve support as middle-of-the road changes that will help to put the province on an even footing with others it competes with."

So I want to offer every reassurance, and I appreciate the member of the official opposition seeing this or attempting to see this from various vantage points. I think that makes for healthy dialogue and discussion. And I would just simply say, certainly the feedback we've received from any number of institutions, organizations, and individuals, there is a deep and enduring support for this legislation, for Bill 6 specifically. As I've made reference to today, the recent poll produced on the front page of *Leader-Post* on Saturday, if I'm not mistaken, 75 per cent of the people of this province are supportive of secret ballots.

And so while there may be some stakeholders, individuals, and other actors that have some reservations, and certainly we have heard and continue to hear from those individuals, what we can say is that there is overwhelming support from great segments of Saskatchewan society for the secret ballot, and again, we're delighted this reflects and reinforces direction that we took during the campaign. We promised during the campaign, we said that we'd work to democratize workplaces, that we'd work to ensure that there are more fair and balanced labour milieu, and that's the direction that we're taking.

Bill 6, as we are working it through this committee, reflects and reinforces that commitment, and to borrow from the Premier today in the House: promise made, and in a few days, promise kept.

**Ms. Morin:** — Thank you. I'd like to . . . seeing that the hour is running late and seeing that, you know, I have got so many more questions to pose and so little time, I'm just going to run through it quickly.

The article that the minister refers to with respect to the polling is quite interesting because if you asked anyone for any reason if they would support a secret ballot vote without having all the background information, I can't imagine anyone actually saying no. So I'm actually surprised that it's only 75 per cent. I guess there were some people who understood what this was actually doing versus having a card certification check.

**Hon. Mr. Norris:** — We'll try your challenge with the official opposition.

**Ms. Morin:** — So like I said, it's interesting that it's only 75

per cent given that without the proper background information I would've assumed that it was higher. I'd also like to quote from the newspaper article which also said, quote, "The survey also found that many people didn't know anything about the pending labour law changes."

So although this may be all consuming to the minister, myself, and the others that are privy to our question and answers, it seems that Saskatchewanland is not quite as interested as perhaps the rest of us are with respect to the general public at large.

Anyways as I said, it looks like we're running out of time. So I'm curious about . . . I'll ask this one more last question. There's a legal argument that's currently being built that Bills 5 and 6 violate the Charter. Provinces such as British Columbia, Alberta, Quebec, and Manitoba are building and making similar arguments in front of the courts. So I'm wondering why the Sask Party government is proceeding with these contentious Bills given that there will be a court challenge in this province. And therefore knowing that that's going to be the case, why not allow for further public consultations so that mistakes potentially could be caught in those public consultations, and perhaps there could be improvements made on these Bills, that would then perhaps not be challengeable?

**Hon. Mr. Norris:** — I guess I challenge a couple areas of this. I think the question as it was framed made reference to the province's offering challenges to their respective pieces of legislation. I don't believe that's the case, and I think what the member meant was organizations within those provinces.

You know, as we got under way, certainly we heard from some select stakeholders, a couple of whom actually were pretty explicit about some potential action they would take. And, you know, this government is not going to be bowed by threats. We've got a solid piece of legislation. We've taken lessons learned from other Canadian jurisdictions. We've taken lessons learned from Supreme Court decisions.

We have every confidence in these two pieces of legislation. Bill 5 has already gone through. Bill 6 we're working on today, and within the coming days we're confident that it will go through. And, you know, I guess one of the elements of working in a sophisticated, pluralistic society — and Saskatchewan is certainly that — is that stakeholders will have a range of opinions and a range of options, instruments, and they will, I guess, take their own conscience as far as actions that will be considered for the future.

This government held consultations. This government actually ensured that we were able to get out and canvass and learn from various stakeholders. And as I said, this government is not going to be bowed by threats.

**Ms. Morin:** — Well two things. First of all, Bill 5 has not gone through yet, Mr. Minister. It still hasn't passed third reading.

**Hon. Mr. Norris:** — Sorry. Through this committee.

**Ms. Morin:** — Yes, through committee it has, but it has not passed yet. Just a clarification.

And as for what the minister implies as a threat, I don't see it as a threat. I see it as a concern, a concern that there is going to be a legal challenge which will obviously then cost the province in terms of having to defend the legislation that the government is currently wanting to see passed.

So my concern is why would we not want to take a step back, perhaps analyze things again, as the minister and I went through many hours of discussions with respect to Bill 5, for instance, and saw that there were in some cases areas where the minister had certain intent and yet there were vague notions as to how the legislation was written as to whether the minister's intent would actually be met.

So, you know, having had those dialogues — and clearly there would be others that would be more expert in the field than I that would be willing to engage in those dialogues and make contributions with respect to the Bills — why would that not be the course of action to take in terms of ensuring that it would stand up to a legal challenge, and not because of a threat but because of the amount of energy that would have to be expended, not to mention tax dollars, in defending the legislation?

**Hon. Mr. Norris:** — Thanks very much for the question. We're confident that this legislation will withstand any such challenge. And I think one of the things that I'm certainly conscious of is, you know, some stakeholders don't want Saskatchewan to move forward, that any opportunity to hold the province back . . . and that can be framed under almost any rubric.

That is, we're committed not to stepping back. We're committed to moving forward. We're committed to these two pieces of legislation. We're committed to Bill 6. We're committed to ensuring that the Labour Relations Board reports annually to this House. We're committed to ensuring that there are six-month limits to make sure thereby that cases don't go back to 2004, 2005, 2006, 2007. We're in favour of moving forward on that.

We're in favour of secret ballots, and so are 75 per cent of the people of Saskatchewan. We're in favour of ensuring that communications can be fair and free and reasonable and responsible. We think this is the best way to move forward. That's why we're moving forward on this Bill.

And the Bills have been . . . Certainly the amount of consultation, the amount of scrutiny that the official opposition has put and continues to put on these two pieces of legislation I think simply will reinforce the point that due diligence has been the order of the day in Saskatchewan, and we are going to move forward on our proposed agenda. Why? Because, to borrow from the Premier — promise made, promise kept.

**Ms. Morin:** — Well to just to add a comment to what the minister just finished off with. As we've already discovered through our many discussions, the fact that the minister wants to have Labour Relations Board file annual reports, that's been done on a yearly basis as far back as 1998 — because that's as far back as it shows on the website — on a voluntary basis.

And as for holding the province back, I would be surprised, absolutely surprised to find anyone in this province that would

want to hold the province back. There is not one single person in this province who doesn't understand that economic prosperity leads to social prosperity. And so I would have to take huge offence to the minister saying that he knows or he's certain that there are people who want to hold the province back. That is absolutely inaccurate and I think quite offensive — disingenuous, yes.

So anyways, thank you very much for answering the questions this evening. Thank you to your officials as well. And I'm sure we'll see each other again.

**The Chair:** — Members of the committee, we've exceeded our end time. I see that another committee is ready here and ready to go to work. What we do require is a member of the committee to move a motion of adjournment. Mr. Ottenbreit. Is it agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — The minister is indicating he'd like to make a very short statement.

**Hon. Mr. Norris:** — Very short, Mr. Chair. I know the hour and I know that it's a spirited debate for elected officials, but I also know we're here because of the patience and commitment of public servants, and especially as well, those working within this Chamber. And I just wonder if my colleagues would join me in offering a round of congratulations and thanks to our officials.

**Some Hon. Members:** — Hear, hear!

**The Chair:** — The Committee on Human Services stands adjourned.

[The committee adjourned at 21:34.]