STANDING COMMITTEE ON HUMAN SERVICES

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STANDING COMMITTEE ON HUMAN SERVICES

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[The committee met at 15:10.]

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

Clause 1

The Chair: — I'll call the committee to order. Good afternoon committee members. On our agenda this afternoon is consideration of Bill No. 6, The Trade Union Amendment Act. We have the minister responsible, Minister Norris, and I see he has officials. It will be interesting to see if he has any new faces for us. Welcome, Minister, and at this time I would invite you to introduce your officials.

Hon. Mr. Norris: — Mr. Chair, colleagues, thank you very much for the opportunity to once again appear before the committee. I'd like to reintroduce our deputy minister, Wynne Young; Mr. Mike Carr, associate deputy minister, labour, employee, and employer services division; Mary Ellen Wellsch, she's just behind me; she's the acting executive director for labour planning and policy; as well as Pat Parenteau, senior policy analyst — all within the Ministry of Advanced Education, Employment and Labour.

The Chair: — Thank you, Minister. Welcome to you and your officials. Before I open the floor to committee members for questions and comments, I would just like to inform members that we do have a substitution. We have Ms. Wilson substituting for Mr. Allchurch. Oh, and we have another substitution I was just made aware of. We have Ms. Morin substituting for Ms. Junor. I'd like to welcome both of the members to the committee. And I believe Ms. Morin has some questions for the minister, and I would recognize Ms. Morin at this time.

Ms. Morin: — Thank you, Mr. Chair. Good afternoon again, Mr. Minister, officials, nice to have you here again. The section 6 amendment describes the right of employers to communicate facts and opinions but does not specify that these rights only apply during organizing drives and decertification drives.

Does section 6 therefore include the right of the employer to communicate its opinions to an employee or group of employees about . . . And I'll give you a few examples so that we're not talking hypothetical, but whether they should be trying to get rid of a union, stop an organizing drive, refuse to file a grievance or support a union filing a grievance, oppose a bargaining position or proposal of a union vote against a strike or to end a strike, organize to defeat or elect certain employees to union positions, support a raid by another union, or vote against dues increases and assessments or fines for scabs.

Hon. Mr. Norris: — Mr. Chair, if it would be appropriate — I didn't have a chance — I was writing those down. I'm just wondering, could we just go through them? I just want to make sure that . . . I'm sorry to do that.

Ms. Morin: — Okay. So I'll just start and perhaps the minister can let me know where I need to slow down or stop. So again, does section 6 therefore include the right of the employer to communicate its opinions to an employee or group of employees about whether they should be trying to get rid of the union, stop a union organizing drive, refuse to file a grievance or support the union from filing a grievance, oppose a bargaining position or a proposal of the union, vote against a strike or to end a strike, organize to defeat or elect certain employees to union positions, support a raid by another union, or vote against dues increases and assessments or fines for scabs.

Hon. Mr. Norris: — Great. Thank you.

Thank you very much for the question. The question highlights a significant degree of continuity that remains within the Act. The existing unfair labour practices remain intact. I thought what we would do for a matter of record and also to enhance the debate and dialogue, I thought what we would do is I'll ask Mr. Carr to actually to read through a number of clauses that help to inform that characterization of continuity that I've just offered.

Mr. Carr: — Thank you, Minister. I'd refer the members to article 9 of the existing trade union Act, where it empowers the Labour Relations Board to dismiss certain applications. Under that provision:

> The board may reject or dismiss any application made to it by an employee or employees where it is satisfied that the application is made in whole or in part on the advice of, or as a result of influence of or interference or intimidation by, the employer or employer's agent.

Moving on to existing unfair labour practices, moving to 11(1)(b), it's an unfair labour practice:

> to discriminate or interfere with the formation or administration of any labour organization or contribute financial or other support to it; but an employer shall not be prohibited from permitting the bargaining committee or officers of a trade union representing his employees in any unit to confer with him for the purpose of bargaining collectively or attending to the business of a trade union [with, excuse me, attending to the business of a trade union] without deductions from wages or loss of time so occupied or from agreeing with any trade union for the use of notice boards or of the employer's premises for the purposes of such trade union.

It goes on to set out additional unfair labour practices which include:

> (c) to fail or refuse to bargain collectively with representatives elected or appointed, not necessarily being the employees of the employer, by a trade union representing the majority of the employees in an appropriate unit;
>
> (d) to refuse to permit a duly authorized representative of a trade union with which he has entered into a collective bargaining agreement or that represents the majority of employees in an appropriate unit of employees of the employer to negotiate with him during working hours for the settlement of disputes and grievances of employees covered by the agreement, or of employees in the appropriate unit, as the case may be, or to make any

> deductions from the wages of any such duly authorized representative of a trade union in respect of the time actually spent in negotiating for the settlement of such disputes and grievances.

Further under (e) it would be an unfair labour practice:

> to discriminate in regard to hiring or tenure of employment or any term or condition of employment or to use coercion or intimidation of any kind, including discharge or suspension or threat of discharge or suspension of an employee, with a view to encouraging or discouraging membership in or activity in or for or selection of a labour organization or participation of any kind in a proceeding under this Act, and if an employer or an employer's agent discharges or suspends an employee from his employment and it is shown to the satisfaction of the board that the employees of the employer or any of them had exercised or were exercising or attempting to exercise a right under this Act, there shall be a presumption in favour of the employee that he was discharged or suspended contrary to this Act, and the burden of proof that the employee was discharged or suspended for good and sufficient reason shall be upon the employer; but nothing in this Act precludes an employer from making an agreement with a trade union to require as a condition of employment membership in or maintenance of membership in the trade union or the selection of employees by or with the advice of a trade union or any other condition in regard to employment, if the trade union has been designated or selected by a majority of employees in any such unit as their representative for the purpose of bargaining collectively.

Under section 11(1)(f), it would be an unfair labour practice "to require as a condition of employment that any person shall abstain from joining or assisting or being active in any trade union or from exercising any right provided under this Act, except as permitted by this Act."

Finally under (g), it would be an unfair labour practice "to interfere in the selection of a trade union as a representative of employees for the purpose of bargaining collectively."

Finally, Minister, under 11(1)(o), it would be an unfair labour practice "to interrogate employees as to whether or not they or any of them have exercised, or are exercising or attempting to exercise any right conferred by this Act."

Hon. Mr. Norris: — Mr. Carr, thank you very much.

Ms. Morin: — Does section 6 give employers the right to communicate opinions to a single employee and/or groups of employees and/or all employees through any and all forms of communication? And so I'll give a few examples of that as well. So does it include meetings at work, mail, phone canvassing, inter-office memos and bulletins, employer newsletters, email, Internet? And what are the parameters, if any, with respect to employer communication?

Hon. Mr. Norris: — Thank you. I'll reiterate clause 11(1)(a) again, setting these parameters regarding interference: ". . . restrain, intimidate, threaten or coerce an employee in the exercise of any right conferred by this Act," but nothing in this Act precludes an employer from communicating facts and opinions to its employees. So really I think this goes back to case-by-case scenarios that the Labour Relations Board within the context of Saskatchewan would make rulings on.

Ms. Morin: — In reading through the copious amounts of research and documentation that's come out of these hearings, these committee hearings in the last number of weeks, I came across something that I found quite interesting that I wanted to share. And that is a report that was submitted it looks like in . . . The date stamp on here from the Saskatchewan Legislative Library is January 4, 1994. Unfortunately I can't find a date on the report.

It's a report of committee considering proposed amendments to The Trade Union Act, and the report . . . The committee was comprised of Michael Carr, personnel manager for Intercontinental Packers, who I'm sure we're all familiar with as the current assistant deputy minister, exactly. And Mr. Carr represented business, together with Hugh Wagner, secretary manager of the Grain Services Union, representing labour. Ted Priel, Q.C. [Queen's Counsel] acted as mediator in the process. And the appointment of Mr. Carr . . . I'm just going to quote from here:

> The appointment of Mr. Carr and Mr. Wagner followed upon consultation with business and labour respectively and while no formal procedure was in place for the appointment of Mr. Carr and Mr. Wagner by their respective constituencies, it can fairly be concluded that they were each generally acceptable as spokespersons for their respective constituencies.
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> During the process of consideration by the committee of potential areas of amendment, both Mr. Carr and Mr. Wagner consulted on an ongoing basis, with a number of representatives of various sectors and of their constituencies. Each of them also had access to and consulted on a regular basis with legal counsel who were active practitioners in the labour law field.

So I guess I'd like to establish first of all that the minister would be fairly confident that the outcome of this review was fairly extensive, given that Mr. Carr and Mr. Wagner both had access to their constituents as well as access to legal counsel. Does the minister feel confident that that would be the case?

Hon. Mr. Norris: — You know if memory serves, and certainly the work done by Messrs. Priel, Wagner . . . If I'm not mistaken, Mr. Wagner is now on Enterprise Saskatchewan, and we're delighted to have him serve on the board of Enterprise Saskatchewan. Obviously we're also delighted that Mr. Carr has joined us as associate deputy minister.

But prior to that, I mean, to contextualize the report, the report and the work that was done, maybe it can be characterized or considered . . . it came following the work of Dan Ish, a distinguished professor from the University of Saskatchewan. And would it be fair to say, and this is more . . . there was a lack of consensus as a result of Dr. Ish's work.

So it's to turn and contextualize that under the NDP in those

early days of the Romanow government, work advanced. There was no consensus despite the good work and good efforts of Dan Ish and others. That work was then extended into the work of Mr. Priel and obviously Mr. Wagner and Mr. Carr.

So I don't know how much more I might be able to say about it. Maybe I could ask Mr. Carr what you thought about your work.

Ms. Morin: — Thank you, Mr. Minister. With respect to the work done by Dan Ish, I have that in front of me as well — I do enjoy reading probably as much as you do on certain topics — and the report by Dan Ish was, it looks like, completed and given to the minister on June 7, 1993. That's the letter that I have here.

And the report that Mr. Carr was involved with, or the review says that, and this I'm quoting again:

> Business and labour were first provided with the opportunity for input into proposed amendments to The Trade Union Act through the Trade Union Act Review Committee chaired by Daniel Ish, Q.C., and secondly through this committee. This committee was, however, provided with a rather limited amount of time in which to attempt to fulfil its mandate.

So it seems that some of the hindrance in achieving the consensus that was desired was simply a matter of time.

> Both Mr. Carr, on behalf of business, and Mr. Wagner, on behalf of labour, wish to make it clear that their constituencies desire to continue to be involved in the discussion of matters relating to business and labour. While this committee has been successful in obtaining consensus on a number of issues, it is clearly the view of both Mr. Carr and Mr. Wagner that consensus may have been able to have been reached on a broader range of issues had additional time been available.

So clearly there is a strong intent or interest on behalf of both constituencies to be involved in those discussions and that if the appropriate amount of time could be allowed to have those discussions take place, that consensus could then have been, potentially have been reached. And it seems that both Mr. Carr and Mr. Wagner through Mr. Priel felt that that was a distinct possibility.

So given that that is the sentiment that took place under this review, would it not then make sense for the same type of time and consultation and review to take place with respect to Bill 6 but potentially to find that consensus amongst business and labour with something that they can both live with versus having hundreds and hundreds of people on the front steps of the legislature every so often to express their concern with the Bill that's being presented.

Hon. Mr. Norris: — Okay. Thank you. Thanks very much for the question. Certainly one of the elements that will be reflected upon by probably future researchers as well as contemporary practitioners was a proposal, if I'm not mistaken, came out in 1995. That proposal sat on the table for the governments of Premier Romanow and Premier Calvert, NDP [New Democratic Party] both, to consider. And that was the Saskatchewan industrial relations council.

That recommendation was never acted upon, and instead in 2004 what happened was the NDP government then introduced two Bills, two labour Bills — Bills 86 and 87 — which represented pretty significant changes in labour legislation. And you know, certainly some of the public record has echoed some phrases to turn and say, there was no meaningful consultation or public hearings into these significant changes.

So while perhaps the member has quoted some, we might say, optimistic statements from the work of Mr. Priel, I think the track record regarding consultations is much different. That's why we were, you know, very pleased to proceed as we promised to do. We said what we would do was table the legislation and then hold consultations, get feedback from stakeholders right across the policy community.

In early January we actually waited a few additional days from when we had anticipated that the letters of invitation were going to go out. We actually waited a few days to ensure that we had additional stakeholders. We sent out 84 letters of invitation. We advertised in nearly 100 newspapers across Saskatchewan.

We received substantive feedback from over 80 stakeholders. And, as the member alludes, as well there have been hundreds of people that have commented on this in any number of means. As well we sat down — that is, either the deputy minister or myself or both of us — with nearly 100 individuals in 20 individual meetings where we received direct feedback on both Bills 5 and 6 as well as other issues that were brought up as other stakeholders deemed relevant.

The reference point of Mr. Priel's work, again I would simply say that that sense of optimism, unfortunately, seemed to elude the NDP government — governments — a key example being the Saskatchewan industrial relations council which didn't come into existence.

And then what we saw within the Saskatchewan labour relations history, Bills 86 and 87 that focused specifically on labour and certainly drew public concern.

Again what I think, it may, it may be helpful to turn and say, that the record on consultations, we can go to 2005 and a smoking ban where ". . . Chief Alphonse Bird of the Federation of Saskatchewan Indian Nations criticized the government [that is, of the day, the NDP] for not consulting with First Nations . . ." That came from the Regina *Leader-Post* on April 13, 2005.

Regarding Domtar, which on occasion still comes up in this Chamber and, you know, what we see is Chief Lionel Bird of the Montreal Cree nation . . . This came up in September 12, 2007, in the *Prince Albert Daily Herald*. To paraphrase, to date there's been no consultation by Saskatchewan — again the Saskatchewan under reference is actually the government, the previous government, Lorne Calvert's NDP — with the Montreal Lake Cree Nation regarding the arrangements between the Government of Saskatchewan and Domtar, and Domtar, for the Prince Albert pulp mill. That continues.

From there we've spoken about labour legislation as well regarding school division amalgamations. June 2005 in *The*

StarPhoenix, again to paraphrase, there is an injunction filed on behalf of 16 individuals, three school boards, and a total of 41 municipalities, towns, and villages. The group alleged that the Minister of Education at the time — again the NDP minister — failed to engage the plaintiffs in meaningful consultation.

Regarding privacy issues, again concerns out of First Nation and Métis communities about a lack of consultation.

So it's one thing to quote a report, and it's actually helpful. As I say, it's an important part of the history of Saskatchewan's labour relations, but what we can see is that opportunities and instruments to help build such a consensus were not acted upon by the previous government.

And certainly what we've worked to do, and obviously we'll reflect on some of the lessons learned in this process, but on a go-forward basis what we've worked to do is have consultations. They were meaningful. They were helpful. They led to five amendments to the essential service Bill, and we think that this has provided us with a very solid foundation regarding the consultative process.

Is there a consensus in Saskatchewan regarding labour relations? The answer is unfortunately not, but in another sense that may not be surprising. This is a rich, civil society. There are converging opinions. There are diverging opinions.

You know, today in my office I was just reviewing some of the correspondence, and I had an opportunity to look at an email and a letter. And the letter was from a CUPE [Canadian Union of Public Employees] member, and that CUPE member it seemed was either present or had heard about my presence and presentation at the CUPE convention in Saskatoon a couple of months ago. And here was a very, very supportive letter regarding Bills 5 and 6.

As well, as I say, I went through a number of them. There was an email that turned and spoke about the significance of the direction that this government is taking, so I mean, those are anecdotal. For me it's not to in any way suggest that there is a consensus. Obviously that would be optimistic, and ideally we can get to that on some key issues.

But regarding Bill 6, there's a wide array of opinions on this piece of legislation, and we're respectful of the democratic ethos of Saskatchewan and really this healthy, civil society that we have.

The member makes reference to people appearing on the steps of this legislature, and obviously I'm sure that she can recall some days when the NDP was in power where labour groups also gathered on the steps of this legislature.

So you know, I think again it's just simply a reflection of a healthy civil society and a civilized dialogue, debate, and discussion, that we can work through the institutions that we have to explore and examine the issues at hand, especially the pieces of legislation as they've been proposed and as they're proceeding. But it is to turn and say, the consultations that have been undertaken have been very helpful. They've helped to inform debate and discussion. And regarding that, you know, we look forward on a go-forward basis to build consensus where and as we can. And as a matter of fact I think we're just finalizing in my office an upcoming meeting with members from the Saskatchewan Federation of Labour.

So you know, again we remain open to and attentive to bridge building and to make sure that dialogue is open with stakeholders right across the piece.

Ms. Morin: — Thank you. There is also another quote that I'm sure the minister is well aware of, and it is by someone who was billed as Canada's greatest Canadian — and I've lost my pen — anyways, and it's simply, "Courage, my friend, it is not too late to build a better world."

And I'm sure the minister will recall that when the NDP government introduced the potential of legislation to regulate part-time hours, that given the feedback that the government received at that time, that the government did have the courage to say, we're not going to proceed with this Bill.

So it's not too late to turn back, Mr. Minister, in terms of going another route and potentially looking at more consultation or looking at making some other changes to the Bill, given that the minister has more information now that we've been sitting here for the copious amount of hours that we have been.

Hon. Mr. Norris: — I appreciate the question. Can I just make a comment on that point?

Ms. Morin: — Sure, absolutely.

Hon. Mr. Norris: — We'll track down the specific quote, but it is to turn and say, I want to highlight a dichotomy between the two examples that have been offered. That is, from *The Commonwealth* publication of December 2007, and Fraser Needham is the editor, tends to be what could be called, I wouldn't want to make a gross generalization, but could be considered generally sympathetic to the NDP. But regarding labour policy and especially regarding available hours that's just been raised, this is a quote from December 2007, *The Commonwealth*:

> Rather than create a new labour policy of its own, the government instead [that is the government, the NDP, instead] chose to reach back into the 1990's and try to resuscitate a more than ten year old unproclaimed pieced of legislation.
>
> Policy in the early days of the last Calvert government was . . . very unfocused. The available hours saga, [the available hours saga] which became an unmitigated disaster, is one such example.

So I just want to help offer the dichotomy. And that is what we see from recent polling as it appeared within the Regina *Leader-Post* front page this last Saturday, and that would've been May 3, pardon me, what we see is a key provision within these amendments, that is secret ballot, has the support of 75 per cent of the people of this province.

So I just want to offer again a contrasting interpretation or analysis of what's just been offered, that is an "unmitigated disaster" as identified and termed by someone generally

supportive of democratic socialism versus — and that was just offered by the member — a piece within the proposed amendments that we're moving forward on, supported by somewhere very close to 75 per cent of the Saskatchewan people, in keeping with the ethos of Saskatchewan, a democratic ethos.

So I just wanted to make that point that, well there's something called the fallacy of a false analogy and I think my interpretation is that they are profoundly dissimilar.

Happily for the citizens and stakeholders of Saskatchewan, the Calvert government did walk away from this, again I'll quote, "unmitigated disaster." And that's because again new labour policy under the Calvert government reached back to the 1990s, the early days of the Calvert government policy-making very unfocused. We see the opposite. We see the Saskatchewan Party coming forward having kept over 60 of its own promises.

Our focus is to help sustain the growth and ensure that this growth is shared — if you want the benefits of this growth — shared with the people of this province. And what we're moving forward on is incredibly focused legislation and this is one such piece.

And the key element to this is we're keeping our promises. We said we were going to help democratize workplaces. We said that that would include secret ballots. We're acting on it. We said that that would ensure that the Labour Relations Board was more accountable. We're acting on it. And we said that more open communication should be part of Saskatchewan workplaces. We're acting on that as well. All of these are embedded within Bill 6.

On a go-forward basis the people of this province can be reassured that we're keeping our promise. We're moving forward with this legislation and we anticipate that it won't be long now and they'll be able — the people of this province — will be able to enjoy the benefits of this legislation.

Ms. Morin: — Well I didn't realize that when the minister asked if he could offer his opinion on a quote, the minister would have to consult with his officials for about 10 minutes on his opinion.

However, having said that, Fraser Needham, who has just been quoted, is someone who's well respected within our community. And I'm very proud to say that we have that wonderful opportunity within the NDP — that would be the New Democratic Party — to be able to express varying opinions, whether it's in print as the minister has already quoted from or otherwise. And that's something that's the beauty of our party. It's very open, very democratic, and we have a wide divergence of opinion which always, well I would hope brings us to the right conclusion. So I appreciate the fact that the minister reads *The Commonwealth* and is actually quoting from Fraser. I'm sure he'll be very flattered as well.

So going on to the report that the minister — I'm sorry, the assistant deputy minister — was involved with, it also states in the report that both, and I'm going to quote again:

> Both business and labour recognize that stable labour management relations will be enhanced by avoiding radical changes to labour legislation depending upon the particular political philosophy of the Government of the day. Such changes produce a pendulum effect which is not conducive to stable labour relations.

Why would the minister want to destabilize labour relations in the province given that we need to attract the largest amount of workers that we possibly can because Canada as a whole is facing a labour shortage, and obviously we want to make ourselves look the most attractive?

Hon. Mr. Norris: — I appreciate the question. The answer is, it's threefold. First, this legislation is moderate. And so one of the premises of the question I challenge and will work to refute. That is, as we walk through the proposed amendments again, and we've done this previously, what we see is secret ballot provision. A number of jurisdictions, not only in Canada but around the world, have this provision.

What we've seen is — and you've made reference to this, and helpful reference — that is at present the Labour Relations Board offers a voluntary annual report. We've said, let's make sure we institutionalize this. As well let's make sure, let's ensure that there actually would be some rigour attached to that annual report. And that's not to say that hasn't happened in the past; it's to say let's ensure that it's embedded and enshrined in legislation.

Let's ensure that the Labour Relations Board has its opinions formed up within six months. What we have right now and what we heard from right across the policy community was . . . And that is from labour groups, other institutional stakeholders, the business community, as well as other citizens. In fact, I was recently at an event celebrating women's success in Saskatoon and an executive member from the Saskatchewan Federation of Labour came up to express her concern on the length of time it was taking to hear back on some of the cases of the Labour Relations Board. We're not alone. This isn't anecdotal.

What we've seen . . . The consequences of this, and I've made reference to this before. I won't quote it at length, but this is United Food and Commercial Workers Local 1400, Tora Regina (Tower) Limited, operating as Giant Tiger, Regina, and the Saskatchewan Labour Relations Board. What we see here, the case was heard March 14. Written reasons were offered by March 27, 2008. This is the Court of Appeal for Saskatchewan. And what we see, consensus within the conclusion. We agree with the learned judge's, Chambers judge . . . "We agree with the learned Chambers judge that the Board's delay in dealing with the certification application in this case was inordinate and unreasonable."

So what we've said is, you know, let's put in place a mechanism to ensure that there is this six-month requirement that the board gets its work done. As well we've said, let's make the workplaces more democratic. We've talked about that. We ran on it. We're going to deliver on that.

What does that mean? We said we'd work to ensure that there's reasonable and fair communications. What we said is secret ballot provisions. What we've said is we've said the two parties should have the opportunity to actually set their own

chronological date as far as collective agreements rather than having a three-year limit. Because what we were seeing was we were seeing numerous examples where special provisions were being provided of parties going out beyond that three-year term anyway. Why not empower the parties to actually make up, come to their own agreement, their own consensus.

So it is to turn and say, as I said, there are three points. It is to turn and say that on the first point, that is this piece of legislation is fair, it's balanced, it's moderate. And I would say — counter to the member's interpretation — this piece of legislation doesn't in any way smack of some of the extreme steps that were taken by the previous government.

The second point on the question regarding the pendulum effect. Now this pendulum effect, what we can see in Canada — and this certainly informed our work — is that actually we're simply moving to the middle. We're moving to the middle. So what would be an example, an obvious example? An obvious example would be thresholds.

What we've turned and said is Saskatchewan, and I think I've used the term by a country mile, had the lowest threshold in the country at 25 per cent. What we've turned and said, let's make reference to Western Canada so that we can actually begin to contextualize this within our own sense of place, but then let's stretch it across Canada.

Within the Canadian context, the bandwidth, again with one exception — that exception the old Saskatchewan — that bandwidth is 35 to 45 per cent. Within Western Canada what we're proposing to do is turn and say that BC [British Columbia] will be 45 per cent, Alberta's at 40 per cent, Saskatchewan we plan to make it 45 per cent, and Manitoba's at 40 per cent. A bandwidth of simply 5 per cent consistent with our neighbours, with our sense of place, and consistent across Confederation because that bandwidth is on a 10-point spread.

So what we can see there's one example to just turn and say this isn't about a pendulum effect, this is just about simply ensuring that we're competitive with other Canadian provinces. And why? Well promise made, promise kept.

The third element to this, that is what we've done is I've suggested that the interpretation or categorization of this legislation ought to be interpreted through a lens of moderation. The second element that I've talked about relates to refuting a notion that there's a pendulum effect. In fact this is very moderate legislation. And the third element that I'd like to speak to is that really what we've seen is we've received feedback that there are numerous and new players almost daily now coming to Saskatchewan to come and participate in the opportunities that Saskatchewan offers.

Now how does this manifest itself? It manifests itself for working families where we can turn and point, March over March, 2007-2008, 14,000 new full-time jobs for the working people of this province — 14,000 new full-time jobs. That means families have more security. We can see that there's greater certainty. We can see that with over 500,000 people working in this province that more Saskatchewan people are enjoying and benefiting from the fruits of our shared efforts.

Now does that mean that all the work's done? Not at all. There's a lot of work to do. We need to make sure that even more people benefit from these efforts. But for the first six months — we've just celebrated the six-month anniversary of this new government — for the first six months, well not bad, not bad. There's more to do, hasn't been perfect, we're learning lessons as we go, but we ran on this. This is moderate. This is not about a pendulum swinging back and forth.

And most especially the labour relations environment in Saskatchewan is changing because the stakeholders of Saskatchewan are changing. That is, there are more opportunities, new stakeholders, new perspectives, and with 16,000 people — again a great element of continuity. This isn't about the new government; this is about drawing on some successes from the previous government as well as building on our own. But with a track record between 2001 and 2006 of an out-migration of 35,000 people, suddenly what we see over the last year is 16,000 people coming to or back to Saskatchewan. We see a much different environment. That is, new stakeholders, more citizens coming to Saskatchewan. And we think this is just a sign of the times.

So on those three points, I guess what I would do is offer a considerably different interpretation than the member's just offered. And I'm happy to take the next question.

Ms. Morin: — Thank you. Well the opinion I'm offering is obviously one that was well respected through the review that I mentioned, under Mr. Priel, Mr. Wagner, and the current assistant deputy minister, Mr. Carr. Out of the same report, with respect to composition of the Labour Relations Board, and I quote:

> With respect to the Chair and Vice-Chair, the parties agree that those positions should be filled by experienced neutral people who accept that the philosophy of The Trade Union Act is to promote the ability of workers to freely choose to join a trade union, to promote the ability of workers to bargain collectively, and to promote industrial peace.

So given that this is what The Trade Union Act mandate or intention is, I am finding it curious as to how the minister would have this be coincidental with the Bills that have been brought forward by the new government in that, how is it that this Bill is going to promote the ability of workers to freely choose to join a trade union? And I'm not talking about their freedom of choice and, you know, the secret vote and all that.

I'm talking about how will this increase the ability of workers to join trade unions because it's talking about promoting: ". . . promote the ability of workers to bargain collectively . . ." Well Bill 5 inhibits that. ". . . and to promote industrial peace." Well I'd have to say that it's doing anything but promoting industrial peace at this point.

So I'm wondering if the minister would like to reflect on the observations of this very well-respected committee — one of which includes his assistant deputy minister — as to how this works with the legislation being proposed by the government right now.

Hon. Mr. Norris: — Well I'm happy to do that. I'll take a minute. I'll also, you know, in addition to referencing my respected colleague, I'll also make reference that a new era is upon us. And that is, Mr. Wagner — as I've said before, but it's worth reinforcing — Mr. Wagner as a representative from organized labour sits on the board of Enterprise Saskatchewan.

And so I'll spell this out. I'll just take a couple of minutes to collect my thoughts and get back to you, but it is to turn and say that any dialogue or analysis on the labour relations within Saskatchewan, contemporary Saskatchewan, while it would include obviously these two pieces of legislation, it would expand well beyond these two pieces of legislation as well.

I'll just take a minute and put down some concise point form. That way it will hopefully shorten up my answer.

Great. Thank you. So as I've said, these two Bills while important features of labour relations in contemporary Saskatchewan it obviously stretches out beyond that. We can look at the board of Enterprise Saskatchewan as another example.

The first question as I have it, and I'm just going to paraphrase, really speaks about — and I think you hinted at an element of this — an opportunity, how I would . . . My response would be, relates to opportunities employees would have to either join bargaining units or not join bargaining units. I think the question actually helps to answer the question. And why I say that is if we look at the phrasing, there has been a distinction here between the condition — that is, here's what individuals will do; they will be part of a bargaining unit or not part of a bargaining unit — and instead reinforces the notion of opportunity.

Opportunity reinforces the notion of empowerment. That is, individuals have the freedom and the conditions to act on their own free will. And so certainly the amendments put forward, I would suggest, reinforce the significance of that first point. I think what we've done is actually bolster The Trade Union Act.

The next point relating to collective bargaining, the member made a comment about somehow collective bargaining being disrupted by Bill 5. I'll just simply say Bill 5 is based upon that balance between the right to strike and public safety. And when we talk about public safety, we can think about ensuring that cancer care is available to kids, that our highways are cleared. So that was an aside, but I just want to say, you know, certainly Bill 5 actually bolsters, that right to strike remains intact.

But within Bill 6, where we're sitting here, the collective bargaining provisions, you know, what we see, frankly again, bolsters it. What we're looking at is we've turned and said, why wouldn't the respective parties have the opportunity to establish their own time frame on a collective agreement? So far from creating tension, I would say once again the amendments, as proposed, simply reinforce, simply reinforce the democratic ethos of this and reinforce that intention of The Trade Union Act.

On the third point regarding industrial peace, well the previous government left office in the midst of a very significant labour dispute within Saskatchewan. And so what we saw, not only a labour dispute within Saskatchewan, but we saw within that dispute up to 400 people per day at the end of that strike being affected negatively by not having access to adequate health services.

So this is, you know, certainly what has existed in Saskatchewan has been uneven at best regarding this notion of industrial peace, and what we're looking forward to, what we need to continue to work towards is, and again it comes out of the optimism of the report issued by Ted Priel, that is, how do we continue to work to find a consensus?

Now that being said, we also recognize Saskatchewan is a free and democratic society and recognize that individuals and entities, organizations will have not only a variety of opinions. They have the freedom, and they help to enrich our community by expressing those opinions.

So on all three points as they've been offered I will simply suggest strongly that what we've seen here is in effect a bolstering of The Trade Union Act through the amendments that we are proposing.

Ms. Morin: — Thank you, Mr. Minister. We'll be discussing things like durations of CBAs [collective bargaining agreement] and such in a while, but I'm going to continue on with my thought process here.

So with respect to again the review that was undertaken by Priel, Wagner, and Carr— the current assistant deputy minister — under the section employer communication, conclusions of the committee, and I quote:

> Bill 104 enacted in 1983, amended Section 11(1)(a) by adding the words "but nothing in this Act precludes an employer from communicating with his employees" to the end of the subsection.
>
> The parties discussed this matter at some length and are in agreement that the principle which should be enunciated under Section 11(1)(a) is that an employer should not be allowed to intimidate or coerce employees in the exercise of their rights under the Act to form in or join trade unions, whether through communication or other means. The parties are agreed that an employer has always been able to communicate with employees so long as such communication does not interfere with, restrain, intimidate, threaten or coerce the employees in the exercise of the rights conferred by The Trade Union Act. The placement of the words "but nothing in this Act precludes an employer from communicating with his employees" to Section 11(1)(a) may give an employer a mistaken impression about the extent of his or her rights to communicate with employees.
>
> What the parties have, therefore, concluded is that they can unanimously support an amendment to Section 11(1)(a) which would make it an unfair labour practice for an employer, employer's agent or any other person acting on behalf of an employer:
>
> > "in any manner including by communication to interfere with, restrain, intimidate, threaten or coerce an

employee in the exercise of any right conferred by this Act."

So I'm curious as to why the assistant deputy minister felt strongly enough about this in terms of his representation of the business community at this time that the review was taking place to now feel that communications should be offered to employers at any time with the set parameters that are in the amendment, but pretty much at any time, like I said, with respect to any forms of communication.

Hon. Mr. Norris: — Mr. Chair, I would suggest that the member probably would like to rephrase the question. The question as it's just been posed is a request for an unelected official within my ministry to explain his personal interpretations.

And I mean, I'm happy to take questions. On Bill 5 we sat through close to 21 hours of committee work, and we're going to push up here against, pretty quick, 20 hours in this committee. And I'm happy to do my best to answer any questions, but I don't think it would be appropriate for this committee to receive the question as it's been framed, and I invite the member to rephrase.

Ms. Morin: — Thank you, Mr. Minister. Well then — you're absolutely correct — I will rephrase it. So why would the minister be proposing legislation that was under review by a member of his officials, currently the assistant deputy minister, Mr. Michael Carr? Why would the minister be proposing legislation that one of his officials at that time felt strongly about — because it was a unanimous decision — that communication shouldn't be allowed?

Hon. Mr. Norris: — Great. I appreciate the reframing of the question. Quite simply, while informed of and somewhat attentive to Mr. Priel's report, I can simply say that I disagreed with some elements of that report.

Ms. Morin: — Thank you, Mr. Minister. Moving on to section 17(2). This will prescribe regulations that will define the kind of written support that unions must use for certification purposes. At present unions use their own version of cards to gather support. Some cards include oaths, dues, authorizations, and signing fees. Why would section 17(2) be necessary, and why would cabinet need to control the design of union certification cards?

Hon. Mr. Norris: — Thank you. There may be a follow-up. Thanks very much for the question. For clarification the content of the card is the significance here, not the specific card, and this element will be spelled out in more detail in the regulations.

Ms. Morin: — So again I'll ask the question then, why would cabinet need to control the design of the cards? What's currently the problem with the union certification cards? What concerns are there?

Hon. Mr. Norris: — Yes, again and maybe it'll be reframed, we can just work through this, but it's not the design of the cards. It's actually the content of the cards, and it's just meant to help ensure greater transparency.

Ms. Morin: — So what would the minister then be perceiving as being correct content?

Hon. Mr. Norris: — Again, thanks very much for the question. There are a couple of elements here. One relates to the significance of the LRB [Labour Relations Board]. And there are some established elements based on case law coming out of the LRB that will obviously inform this. This, as I've said, is likely to be confirmed, finalized through regulation.

What we can speak, I guess, more generally to, and that is to the purpose. And the purpose of this — and I just want to make sure I've got the phrasing down — 17(2), for the purpose of prescribing what the LRB can use as evidence to establish the percentage necessary to have a vote, in essence is how that comes. So mostly it's outcome based. And again, it's not the intention to design these instruments. It is to turn and say, let's ensure there is a degree of consistency within the content.

Ms. Morin: — So can the minister just illuminate what the concern is then currently with the union certification cards more precisely? Give us an example of what the concerns are.

Hon. Mr. Norris: — Well I'd reframe the question, if I may. And if I'm missing the essence of the question, please let me know. But I think reframed it would probably go something like, can we provide a rationale for this shift?

Ms. Morin: — No. That's not my question. My question is, can the minister provide a concrete example of something that would cause him concern with respect to the card certifications that are currently being presented to the Labour Relations Board, some concrete example of verbage or why the need to prescribe the design of the content.

Hon. Mr. Norris: — Well I want to come back to, it's not about the design. What it is, it's over content. Yes.

Thank you very much for the question. It actually aligns with helping to enhance the timelines of the LRB, and that is, this provides an opportunity to actually have a standardized template thereby enhancing the efficiency of the LRB.

Ms. Morin: — Okay. So I understand it's going to enhance the efficiency of LRB because that's what the minister stated in his last answer. But I'm wondering where the inefficiency is right now or where the impediment is right now in terms of the LRB making its decisions on allowing a certification to proceed. Because if there's an amendment in the Act, clearly there is a concern as to the system that's currently in place, so I would like to have better clarification on what the impediment is.

Hon. Mr. Norris: — Again I would categorize the shift of helping to ensure greater efficiency within the LRB and increased accountability. Those are the two key themes that help to inform this amendment.

Ms. Morin: — Okay. We'll just move on then, I guess. With respect to section 12(1), it now creates a time limit for filing unfair labour practices to 90 days. The present Act has no time limits for filing unfair labour practices. We note that this is an unusual precedent for time limits compared to other labour legislation. In Saskatchewan for example in The Labour

Standards Act, the Human Rights Code, the limit is one year. The 90-day limit will reduce the ability of unions to fight unfair labour practices because it often takes longer than 90 days to discover document and prepare an unfair labour practice case, not to mention the consultations.

This new limit obviously favours one side or the other, so can the minister clarify as to why a 90-day time limit for filing an unfair labour practice is being suggested for this legislation versus, say, six months which is what BC for instance has. That's just pulling one province out.

Hon. Mr. Norris: — Again what we've done is . . . For example, in Quebec it's 30 days so there would be one if you want a continuum. Quebec is, it would be at one end of the continuum. Saskatchewan would have been at the other end of that continuum. We can just go through. Canada has 90 days; Alberta has 90 days; Manitoba has a phrase, undue delay; New Brunswick, 90 days; Nova Scotia, 90 days.

So what we did essentially, you know, you have a look at again this notion of moderation, of practices in other parts of Canada, 90 days — with the exception of Quebec — allowed us to again just move to a number that's consistent with other jurisdictions in Canada rather than having something open-ended, again to the benefits of both parties.

Ms. Morin: — The minister was speaking of CBA durations, collective bargaining agreement durations, and the amendments to The Trade Union Act are, under section 33(3) will be repealed, which presently provides for a limit of three years on a length of a collective agreement. The proposed amendment eliminates this limit and by doing so allows for a collective agreement of any length agreed to by parties.

The significance of this is clear from the recent decision of the Labour Relations Board in the case involving the steelworkers and Wheat City Metals. I guess I'd first ask if the minister is aware of Wheat City Metals's connection to IPSCO. Is the minister aware of the relationship there?

Hon. Mr. Norris: — What I'll do is I'll begin by answering the substantive, broader question. And that is for way of background it may be helpful to state here, Saskatchewan is the only jurisdiction, again, only jurisdiction in Canada, provincial jurisdiction, that has a general legislated maximum term for collective agreements. So once again we find that Saskatchewan, under the previous government, was sitting in an anomalous position. That is, there was something peculiar about Saskatchewan.

Let's just kind of run through this. In Canada, so federally, minimum one year; BC, minimum one year; Alberta, minimum one year; Saskatchewan, we had a minimum one year but a maximum of three. Manitoba, minimum one year; Ontario, minimum one year; Quebec, minimum one year; New Brunswick, minimum one year; Nova Scotia, minimum one year; PEI [Prince Edward Island], minimum one year; Newfoundland, minimum one year. The anomaly, or as my daughter, who used to watch Sesame Street . . . One of these things doesn't seem like the others, and this was Saskatchewan.

What we're doing here is we're turning and saying, let's actually allow the parties to come to their own consensus and conclusion about what it is that best served both parties regarding the length of terms. So this is consistent with best practices right across the country.

The issue on this really came to the fore as a result of the number of exceptions that were being granted as parties came together. And let me just confirm what that number is but it's a pretty significant number of the exceptions. My keen eye for the obvious allowed me to overlook the numbers right here. About 10 per cent of all collective agreements were approved by special provision and, if I'm not mistaken, that was through this House. There were — sorry to be corrected — three specific occasions, 1997, 2003, 2005, through special provision to actually override the law and the other, the 10 per cent would be already outside.

What we've turned and said at 10 per cent plus three specific references where special provision was made through this legislature, why not turn and say here's part of the, if you want, labour relations dynamic within the Canadian context with one exception — the exception once again, Saskatchewan. Let's move to a competitive position. What are the best practices across Canada? We see that and what we're doing is turning and simply saying the parties — that is bargaining unit and employer — should have the opportunity to come together and agree on what this term should be.

Ms. Morin: — I guess what I would have to say then is, why not? Why not would be simply because the overwhelming majority of CBAs, collective bargaining agreements, work quite effectively with a three-year limit. And then if we provide the example with respect to the case from the Labour Relations Board regarding steelworkers and Wheat City Metals . . . By the way the minister still hasn't answered me as to whether he realizes what the relationship is between the Wheat City Metals and IPSCO, so I'm sure the minister will get to that in his next response .

Hon. Mr. Norris: — Or I might just ask the Chair the relevance to our current conversation.

Ms. Morin: — Because it speaks to the decision that I'm speaking of right now, Mr. Minister. I mean clearly the minister would know what the relationship is between Wheat City Metals and IPSCO, given that the assistant deputy minister sitting beside the minister is a former labour relations consultant with IPSCO. So I'm sure that the minister would be aware of this case. In this case the employer tried to lock out the union and force them to agree to a collective agreement longer than three years.

Under the law now it is illegal for an employer to do that. The new law would allow for an employer to lock unions out for as long as they want. Unions could be forced to agree to a 20-year collective agreement without the ability to bargain changes to the agreement every few years. Workers lose one of the most effective mechanisms for dealing with problems that may arise at the workplace.

And so clearly in this case the workers would have had no recourse in terms of finally resolving this situation unless they would've simply agreed to the collective bargaining agreement

being the length that the employer wanted to dictate. Thankfully for the statute, they were able to go to Labour Relations Board, and Labour Relations Board made a ruling that allowed the employees and the workers to get back to resolving a negotiated agreement that was within the parameters that was set out. And it seems to have been working very well going forward.

So I'm wondering why again the minister would want to change something that is working overwhelmingly in the greater percentage of the collective agreements that are being negotiated in this province and simply go with a few of the agreements that have run longer and thereby open it up to whatever length or period of time the . . . potentially the employer deems necessary in terms of their eyes, shall we say.

Hon. Mr. Norris: — Mr. Chair, I'm . . .

The Chair: — Ms. Eagles has a point of order.

Ms. Eagles: — Yes, Mr. Chair. The member from Regina Walsh Acres asked the minister questions regarding his assistant deputy minister's affiliation with past companies and wants him to give an opinion on these two companies. One was IPSCO and, I'm sorry, the other one I just don't remember right now, but . . . And I mean I don't think that's relevant to this Bill at all.

The Chair: — Ms. Morin responding to the point of order.

Ms. Morin: — Thank you, Mr. Chair. I was not asking his affiliation. I clearly know what his affiliation is. I was mentioning his knowledge of the case that I was speaking about that had been presented to Labour Relations Board because it speaks to the depth of knowledge the minister would thereby have on this case, given that the assistant deputy minister was related to one of the companies that was affiliated with the Wheat City Metals workers who were involved in the Labour Relations Board case. So it wasn't a question of who he was affiliated with. It was a question of whether the minister was aware of the case.

The Chair: — I would caution the member not to draw the officials into the proceedings and the debate. Members and officials bring experiences to the committee. The procedure of the committee is for members to place their questions to the minister. The minister will then determine whether he would ask an official to respond or he or she will respond, the minister will respond, and answer the question.

With regards to the point of order, it is I believe appropriate to use examples when asking questions about specific clauses of the Bill. In this case we are walking a bit of a fine line because of some previous experiences and those sorts of things. So I would caution the member to be very careful that she is not trying to draw the official into the debate.

As long as the member is using a past agreement in this case as an example and directing the question to the minister and asking for the minister's response, that is allowed. But I would again caution the member not to try to draw officials into the debate. That is not the appropriate procedure in the House, or in committee. And so I would therefore . . . I believe, Ms. Morin, you'll re-pose the question? Thank you.

Ms. Morin: — Thank you, Mr. Chair. So specifically with respect to section 11 of the amendments to The Trade Union Act that are being proposed, and specifically with respect to the minister's knowledge of, I'm sure, a case that was in front of the Labour Relations Board between the steelworkers and the Wheat City Metals workers wherein the employer wanted to lock out the employees until they agreed to a collective bargaining agreement that would have been in length much greater than the three-year limit under The Trade Union Act currently, why would the minister then want to open up the duration of CBAs, given that we have this example of a situation where an abusive situation took place?

And thankfully because there is a time limit, the workers were able to make a case with the Labour Relations Board and have that dealt with. The small percentage of CBAs that run in duration that are longer than three years in my opinion does not warrant having an open-ended CBA duration amendment put into this Bill. So I'm wondering why the minister would want to do that.

Hon. Mr. Norris: — Well I'll just begin by saying obviously I'm aware of the case. I think there's a more significant issue, Mr. Chair, that perhaps for the record, I want to have on the public record. I think it is unusual and disturbing, Mr. Chair, that the privacy of unelected officials — that could include their personal history as well as professional history — would be drawn into this Chamber. This is — and I appreciate your words of caution — but for the public record, this is unusual. So I just . . .

The Chair: — Order. I would caution the minister. The ruling of the Chair is not a debatable item and I would urge the minister to move on with his response.

Hon. Mr. Norris: — I'm happy to do that. So the answer is yes, I'm aware of the case and while respectful of the member's opinion, the due diligence in any kind of research endeavour would be to be more extensive than to select one significant case study.

The rationale for moving forward on this is we've turned and said is that once again Saskatchewan was sitting in an anomalous position. I won't go through the piece again as far as the comparative study. It's to turn and say, every other provincial jurisdiction in this country has the opportunity for parties to settle their own duration of collective agreements. And while being respectful that the member may disagree with this, we ran on the democratization of the workplace. This is going to be a promise kept as we move forward with this piece of legislation. So I appreciate the opportunity to respond.

Ms. Morin: — Thank you. I remind the minister that it's not only unions who could suffer under this amendment. The limit on the length of collective agreements was established to the benefit of both employees and employers. It prevents one side from being held hostage while the other side has a particular advantage. And the limit was written into The Trade Union Act under the principles of fairness and balance, and removing that limit takes us in the opposite direction, I would have to suggest.

So the changes with respect to a vote . . . Let's put it this way. Currently a vote can be asked for now if 25 per cent of the

employees are signed up. Bill 6 states that the requirement will be a minimum of 45 per cent. Currently there is a six months window from the date a card is first signed to make an application for certification, and under the amendments to The Trade Union Act the new law would only allow 90 days.

Now this would be the shortest sign-up period of all jurisdictions in Canada. Why would the minister want to make this change since these changes are obviously designed to make it more difficult for unions to obtain a successful certification, which is contravening the essence and intent of The Trade Union Act?

Hon. Mr. Norris: — Good question. I think for the record it's worth actually going down: British Columbia has 90 days; Alberta has 90 days; Nova Scotia has three months, which I think for most of us would be 90 days or thereabouts; Prince Edward Island, three months/90 days; Newfoundland-Labrador, 90 days. The research as offered by the member certainly doesn't align with the research that has been extensively undertaken through our endeavours.

Ms. Morin: — Thank you, Mr. Minister. Well as the minister has just provided to this committee, the shortest sign-up period of time is 90 days. So again I state, the shortest time period is 90 days in terms of from the date that the first card is signed. So why would the minister choose the shortest sign-up period instead of for instance three months or six months as the minister has mentioned in other provinces?

Hon. Mr. Norris: — Three months is 90 days.

Ms. Morin: — Six months or twelve months, my apologies.

Hon. Mr. Norris: — Yes, the rationale on the 90 days or three months relates to, if you want, elements of continuity within a specific work site. That is, within contemporary Saskatchewan, I mean, there is a lot of growth under way. There is mobility under way. And it offers a specified period consistent with other jurisdictions in Canada for this activity to be undertaken.

Ms. Morin: — Thank you. So we discussed yesterday the situation with respect to the group of people that I would say would be most affected by the changes to The Trade Union Act. And that would be the female workers in the province, given that they enjoy the greatest benefits of being unionized, that being higher wages, benefits, pensions, things like that, even issues such as on-site child care and other provisions potentially.

The Canadian Labour Congress has tracked the difference that unions make in the workers' standard of living:

> When it comes to wages of non-managerial employees, union members typically make over $5.00 per hour . . . more than non-union workers. The difference is even greater for female employees who generally earn almost $6.00 more than their non-unionized counterparts.

So I'm wondering again why it wouldn't be perceived that if making unionization in the province is being made more difficult through the changes to The Trade Union Act, why the minister wouldn't perceive this as being an attack on the female workers in the province to secure higher wages and benefits and pensions through a unionized employment.

Hon. Mr. Norris: — The first element of this is once again I — and we've gone through this — I challenge the premise that this Act will have an effect on rates of unionization. That evidence — and we've gone through this — that evidence I'll just simply say with a spirit of generosity is not conclusive, especially when it comes to interjurisdictional comparisons.

The issue of gender equity in Saskatchewan is obviously of significance to this government as it was to the previous government. And there are a whole series of elements to this. Certainly based on a research paper done by Professor Eric Howe as it related to females from First Nation and Métis communities, the most significant variable that he worked with related to levels of education. And I think we can probably pull that out. We've got it probably somewhere here. But the . . . We'll track down the paper, but certainly Professor Howe in his work identified the significance of education and this significance — and it's staggering — is for a woman from a First Nation or Métis community without high school education, the anticipated lifetime earnings, anticipated lifetime earnings would be less than $100,000 — lifetime earnings.

The Chair: — Committee members, it is now 5 o'clock. The committee will recess, and we will resume our discussions on Bill 6 after our recess for an hour or thereabouts. Thank you.

[The committee recessed for a period of time.]

The Chair: — I will call the committee back to order, welcome the committee members back. We will continue with our consideration of Bill No. 6, The Trade Union Amendment Act. And I believe Ms. Morin has some additional questions for the minister and his officials. I recognize Ms. Morin.

Ms. Morin: — Thank you. So when we departed, we were talking about the fact that there may be, or as a lot of people have alluded to, will likely be a stagnation of unionization or, I should say, a lowering of unionization percentage in the province with these amendments.

Has the minister checked with the Saskatchewan Labour Market Commission for their input on these two amendments to . . . Well specifically we have to speak to Bill 6, so with respect to the amendments under the Bill for The Trade Union Act?

Hon. Mr. Norris: — Thanks very much for the question. The consultations included a number of individuals on the Labour Market Commission, but not specifically did we go to the commission. But as I say, we did consult with individuals who are part of the Labour Market Commission.

Ms. Morin: — And were both the employer representatives and the employee representatives consulted on the Labour Market Commission? Or does the minister know who was consulted on . . . I'm not asking for names because I know that the minister doesn't want to divulge that. But was there equal representation provided in terms of the feedback from the Labour Market Commission?

Hon. Mr. Norris: — I don't know if it can be categorized as

equitable but certainly representation. Again it was done . . . Individuals and institutions around that table were engaged, not specifically as members of the Labour Market Commission, but yes, there was representation. Can we say equitable? Yes, I wouldn't quantify it like that, but I would turn and say certainly reflective.

Ms. Morin: — So when these individuals were consulted, were they speaking on behalf of Labour Market Commission, or were they just giving their own individual opinions?

Hon. Mr. Norris: — I would say a third option is that they were reflecting the views sometimes of other organizations as well.

Ms. Morin: — So these are individuals — just so I understand — who were representing other organizations and just happened to be on the Labour Market Commission, or was it specifically the Saskatchewan Labour Market Commission that was consulted as a stakeholder?

Hon. Mr. Norris: — The Labour Market Commission has on its board representatives from other organizations. Because those representatives — not all, some of those representatives — actually were engaged in the consultative process, we were satisfied with the feedback that we were getting.

Ms. Morin: — I understand the minister doesn't want to give names. Can the minister just clarify then, because my understanding is the Saskatchewan Labour Market Commission, which is co-chaired by business and labour, has representatives from labour, business, government, post-secondary institutions and Aboriginal organizations? Can the minister just provide clarity on which of those groups or sectors would have been consulted from the Saskatchewan Labour Market Commission?

Hon. Mr. Norris: — The distinction here — and it's actually a good question — the distinction relates to representation. The distinction here . . . we heard from all those sectors though not specifically through the frame of the Labour Market Commission. So we certainly had consultative sessions with organized labour, with business associations, with post-secondary institutions, as well as invitations were extended to First Nations organizations as well.

Ms. Morin: — Thank you. With respect to one union raiding another union potentially, currently the duly certified union has the right to rely on the principle of accretion. This principle has been long upheld in jurisdictions throughout Canada and has been articulated by the Supreme Court of Canada. The proposed amendment in Bill 6 takes the jurisprudence on the rules governing raids and alters them drastically.

So given that accretion is recognition that a union that has been duly certified by the Labour Relations Board takes as evidence a support for the incumbent or certified union to a number equal to 50 per cent plus one of the employees in the bargaining unit and that this is accepted as evidence of a majority support, would they still fall under the provision that it would be an automatic vote or a mandatory vote that would have to take place?

Hon. Mr. Norris: — Okay. Thank you.

Ms. Morin: — Thank you.

Hon. Mr. Norris: — Yes, a vote's required.

Ms. Morin: — A vote is required. So that does change the certification, I mean the rating provision dramatically from how it's existed for many, many, many years. Was that the intention of the minister to have that dramatic change? Or was that just sort of something that fell under the radar when the legislation was drafted and might be something that would be in a further amendment somewhere down the road?

Hon. Mr. Norris: — I'll make sure, through Mr. Carr, I'll actually make sure the overall piece here, because there are some additional . . . well there's some contextual information that could be helpful. You can contextualize that.

Mr. Carr: — I would argue that, quite to the contrary, the principles involving a raid would remain the same, that there would be this idea of accretion, and there would be this idea that there would have to be a demonstration that the raiding union had majority support before there would be the vote.

Ms. Morin: — Well that doesn't seem to be the case according to my understanding of these amendments to The Trade Union Act because currently, I mean, my understanding is, as long as they show 45 per cent support of the employees in question, they can make an application to Saskatchewan Labour Relations Board to conduct a vote. Is that not factual?

Hon. Mr. Norris: — Yes, that's right. What we're dealing with is, in practice the amendment reduces the evidence required from 50 per cent to 45 per cent for a vote, and the vote's required in every case.

Ms. Morin: — So clearly that is a dramatic change. Was that something that was intended, was to have that change happen in that dramatic fashion?

Hon. Mr. Norris: — I think you can categorize a 5 per cent shift many ways. But I don't think anyone would begin to categorize that as a dramatic shift.

Ms. Morin: — Well given that the board must now order a mandatory vote and the board previously had the discretion to order a vote — not to mention the change in threshold — it would be considered a drastic change. So as I said, is this something that was the intention of the government to make this change?

Hon. Mr. Norris: — Yes, I would argue this is actually offering greater consistency, and that is 45 per cent is a threshold for all votes. So what we see is actually a much more predictable labour relations environment.

Ms. Morin: — Well, Mr. Minister, I have to completely . . . [inaudible] . . . I think it is going to destabilize labour relations environment even more if you're now . . . I mean, if . . . not you, sorry. If the intention now is to have not just more difficult opportunities for unionization in the province but also encouraging raiding amongst unions, I would have to say that's

destabilizing the labour environment dramatically.

I mean, getting back to the issue of not having discretion at the board level to decide whether or not a mandatory vote is warranted is a dramatic shift.

Moving on to again section 11(1) with respect to employer communication, is it the minister's opinion that the union should have equal access to the workplace, equal exchange of ideas that are open to debate and be able to communicate with employees in the same manner and fashion as would be open to the employer, therefore as the examples I gave before, whether it's brochures, phone calls, letters, pulling employees aside on the job, things like that?

Hon. Mr. Norris: — Great, thank you.

Thanks very much for the question. On this one what we can see here is a great degree of continuity; that is, the same legal principles that are in place will continue to apply as they relate to access to the workplace.

Ms. Morin: — So is that a yes or a no answer? I'm sorry, I didn't catch that. So will unions have the same ability to communicate with the workers in a workplace as the employer will have to . . . as the abilities of the employer to communicate with the workers in a workplace?

Hon. Mr. Norris: — What I would do is I'd . . . I think the key word here is "the same" and the continuity that's referenced is actually the same legal principles regarding access to the workplace that they currently have, that is that unions and other bargaining units currently have. So that's where the word "the same" comes in.

Ms. Morin: — Okay. So "the same" then means that the unions will not have access to the workplace at all times just as an employer would, will not have the same means of communication and access to the same means of communication as an employer would, because those things are staying the same as they currently are, but the communications method for employers is being expanded greatly. Would that be accurate?

Hon. Mr. Norris: — The key here is "the same" means within the same parameters that they currently have.

Ms. Morin: — Okay. That brings up a comment I heard while the minister was conferring with his officials, that I heard from a government member saying, well who signs the paycheque? Well that's exactly what this is all about. This is about who signs the paycheque, who has the power to intimidate through various means, whether they're through words or through actions implied — for instance, who signs the paycheque — through threat of loss of employment.

I want to read you something from Dr. S. Muthu, who is a professor emeritus in the Faculty of Business Administration at the University of Regina. Now he did a critique of Bill 6 and the amendments and had this to say:

> The use of a political analogy by employers to describe the union representation election, their emphasis on certification only by mandatory voting, their preference for a lengthy American-style election campaign based on the employers' freedom of speech, their civil libertarian rhetoric in defence of the rights of individual employees against the imminent union dictatorship after certification, and their conviction that the vigorous employer campaign against unionization has almost no bearing on the election results are based on faulty assumptions and are empirically unsound.

Does the minister categorically disagree with Dr. Muthu then?

Hon. Mr. Norris: — Well I think obviously the good professor is obviously acting or utilizing certain emotive phrases. I think if we begin to unpack that phraseology, I think if we begin to actually unwrap that, and I don't have the quote in front of me. I'd be happy to actually go through it word for word. There is an interpretation offered there by the professor that well, obviously in a free society people are able to express their opinions as they will and the professor has certainly done that here. I don't have that interpretation.

Ms. Morin: — I'm sorry, I didn't catch it. You didn't have your interpretation of what?

Hon. Mr. Norris: — I wouldn't share the interpretation offered by the professor.

Ms. Morin: — Thank you for the clarification. There's another professor, Professor Gordon Lafer. In his report entitled "Neither Free Nor Fair," he talks about the differences between political elections and union elections, and I thought I'd share this with the minister since we've had these discussions in past meetings. I mean the comparison is being made to having a secret vote, a secret ballot, to a political election. And this is what Professor Gordon Lafer has to say about that:

> In a regular political election, the boundaries of electoral districts and lists of eligible voters are established long before the campaign begins, in a process that is independent of either candidate. By contrast, the scope of workers who are eligible to vote in LRB election is subject to debating during the campaign process itself.
>
> In "bargaining unit" determination, the employer does have greater scope for manipulating the electorate in its favour and against union organizers.
>
> More over, management has disproportionate control over power to gerrymander elections. The LRB's determination of whether a certain group of employees share sufficient "community of interests" to be lumped together as one electorate are under the direct control of the employer. Managers may inflate the size of the bargaining unit to a level that is too large, or too geographically dispersed to be organized.

So again, we see a very learned friend and his opinion on the situation of a political election versus a union election, and says that really the comparison is like apples and oranges. So would the minister disagree with this professor as well?

Hon. Mr. Norris: — Yes, I think the point here is actually

relating to what's being compared. I think what we've done . . . And there are some key elements that we can turn to. You can talk about political culture; that's one area of study. You can talk about political behaviour. You can talk about political philosophy. You can talk about institutions and structures. So let's identify a couple of these.

One is political culture. And what we're talking about here is a consistency that would stretch across Saskatchewan as part of our democratic ethos. That's part of our culture. There, from that point we can talk about that, but the next step is to actually look at institutions. Professor John Courtney, to paraphrase, has asked a fundamental question in parts of his research, and that is, do institutions matter?

So now what we're talking about is to stretch comparisons from political institutions, that is if we were to look at this institution, being a political institution, or other institutions, in this case bargaining units. I think the analysis regarding political institutions leads us to a discussion about the existence within organized labour of frequently used secret ballots already. And that is, often secret ballots are used, as we've talked about already, on issues of leadership and issues of strike votes.

So once we get within that institution, that is setting aside that broader argument comparing apples and oranges — okay, fair enough — but let's get right into the institution of organized labour. Right within that institution of organized labour, secret ballots are used often. I won't say universally, but frequently.

So then we can turn and say, so why wouldn't secret ballots be used on one of the most fundamental elements of an individual either opting to or opting not to join a bargaining unit? And that is, can we have a secret ballot, an opportunity for an individual to consult his or her conscience on whether to be participating in a bargaining unit or not?

So what I would turn and say, and I think probably the more persuasive argument as we've gone along in this process is to turn and say, if we want to talk about a political ethos or a political cultural discussion or analysis that's good too, but within institutions I think the onus would be on the professor to then turn and say how do you account for the use of secret ballots within some elements of organized labour but not within others?

So the answer is, I don't think that that's the strongest analysis that could be done on this issue because what it's done is to offer a comparison. It's instructive. I mean I don't want to dismiss it. It's instructive. It's helpful. But at the same time if we want to talk about an analysis, then let's get into what John Courtney would say: do institutions matter? Of course institutions matter. So let's get within that common institutional frame and begin to understand the use of secret ballots within the organized labour movement.

Ms. Morin: — Thank you, Mr. Minister. Well there is an inherent difference in that when the union is holding a secret ballot vote on whether or not to go on strike or take job action or electing union officials, etc., there is no implied threat — there is no potential of implied threat. Someone can't lose their job or the threat of a pending closure of a plant or whatever. There is no implied threat in any of those types of situations, so there is an inherent difference. And in this case the employer has full access to communication and the union doesn't. So there is already an imbalance.

This isn't even an issue of privacy, but rather protection of employees against improper interference by employers. And this isn't to say that all employers will do this. This is to protect those that need protecting. The law is always there as a base for people to have to adhere to, I should say, I guess.

It's a statutory protection that's in place to ensure an employee's freedom of association. This public policy is the recognition of the economic dependence and vulnerability of employees to an employer. An employer has the ability to deprive an employee of their job. Who signs the paycheque? This is a powerful weapon which the employer can use against their employees. Canadian labour legislation prohibits any employer interference to ensure that freedom of association is not thwarted by the employer's resistance to trade union organizing.

So does the minister intend, and I would hope the answer is no, but does the minister intend to thwart workers' freedom of association with this legislation?

Hon. Mr. Norris: — Yes, the answer is actually to help ensure that individuals have the opportunity to exercise their fundamental freedoms, of which freedom of association is one. As we know there are other fundamental freedoms as articulated within the Charter. And we feel that secret ballots offer the opportunity for individuals to again consult their respective conscience and to then opt for themselves.

So I don't think there's certainly any question about commitment to fundamental freedoms being offered and respected by amendments to this legislation. I mean it's . . . frankly the question, it's a strain to see how the argument holds together, I would say, that's just been offered regarding freedom of association.

Again the question goes back to the official opposition. What is it about free votes, that is secret ballots, that within a democratic ethos — that is now we're not talking about institutions, we're talking about political cultures — that the member would find that could detract from the freedom of association? I am puzzled. I mean there's a secret ballot, the opportunity for an individual to consult his or her conscience about whether he or she would like to participate within a specific bargaining unit.

It actually bolsters, that is reinforces and strengthens this fundamental freedom. And as far as some of the commentary, you know, an overview of democratic practices within organized labour, I would just simply say that under the very best circumstances, as in any institution, that's certainly the interpretation that the member has offered.

But I think there are some, it would be fair to say, historic and historical records that could turn and say, all is not always so rosy.

Ms. Morin: — Oh I think that we will be saying that all is not always so rosy when this comes out in the wash.

I'd like to quote from an editorial from the *Leader-Post* dated December 21, 2007. Regina *Leader-Post*, quote:

> . . . the government will have to work hard to persuade unions that its Trade Union Act Amendments really will be "fair and reasonable" in practice. Most of it appears to be — from requiring 45 per cent written support for an application of union certification or decertification to a mandatory secret ballot for certification or decertification. The government also wants the LRB to speed up decision-making.
>
> The most contentious proposal is one "permitting the employer to communicate with employees respecting facts and the employer's views" during a union certification drive. Currently, no employer comment or communication is allowed.
>
> The government has promised to ensure such employer communication won't "interfere with, restrain, intimidate, threaten, or coerce" employees — acts that will continue to be an unfair labour practice.
>
> Key here is how the Labour Relations Board interprets the law. For example, the offer of more money or warnings of layoffs to try and prevent union certification could be argued by management to be "fair and reasonable" but by union leaders as "coercion or intimidation."

So, Mr. Minister, I am curious. Would the offer of more money or warnings of layoffs to try and prevent unions from certification be considered an unfair labour practice?

Hon. Mr. Norris: — I appreciate the question. I think the editorial is actually quite insightful.

Ms. Morin: — Okay. Thank you. I'm glad you find it insightful. I'm wondering if you'd be willing to answer my question. And my question was: would the offer of more money or warnings of layoffs to try and prevent union certification be considered an unfair labour practice?

Hon. Mr. Norris: — I won't — although I could — but I won't quote the specific legal parameters within which communication is to occur. And any alleged allegations would then go to the LRB, hence the significance of the editorial and its reference to the LRB.

Ms. Morin: — Thank you. So I guess I'll pose the question differently. Is it the minister's intent for the offer of more money or warnings of layoffs to try and prevent union certification? Is it the minister's intent for that to be considered an unfair labour practice?

Hon. Mr. Norris: — It's the minister's intent to ensure that there is a fair and balanced labour environment in Saskatchewan. That's the intent.

Ms. Morin: — So the minister in effect is defaulting on answering this question and thereby leaving it to speculation and for employers to try it out by offering more money to their employees or warnings of layoffs to try and prevent union certification. Is that what the minister wants to have in the public domain at this point then?

Hon. Mr. Norris: — No. That's not what's on the public record at this point. And what I'm doing is being prudent and not speculating on hypothetical cases. I'm just simply saying that, to reinforce my point, the editorial is actually quite insightful. And these are issues that the LRB has in the past ruled on and will in the future rule on.

Ms. Morin: — Thank you. Well given that the appointments to the LRB's Chair and Vice-Chair in the past have been hirings that have gone through the Public Service Commission and thereby not government appointments and given that the current Chair, Ken Love, was on the government's transition team and was a government appointment, a political appointment, and given that even this editorial in the *Leader-Post* says, quote, "Key here is how the labour relations board interprets the law," there is not much confidence in the public domain that this will not be considered . . . that this will be considered an unfair labour practice.

So I'm wondering if you could put people's minds at rest that when these types of things happen — offerings of more money or warnings of layoffs — to try and prevent union certification, whether you can put people's mind at ease that these would be considered unfair labour practices.

Hon. Mr. Norris: — To paraphrase from my colleague, the Minister of Justice — my seatmate, good friend, and colleague — it is the expectation of this government that Mr. Love will be hard-working, competent, professional, and will do his job without showing any particular partiality. I think it's incredibly unfair for the members opposite to try to raise this kind of inference for somebody that's going to go out and do a first-rate job for the citizens of this province.

Ms. Morin: — Thank you, Mr. Chair. Thank you, Mr. Minister. Well the only reason this inference is being drawn is because it was a political appointment. It did not go through the Public Service Commission as the Chair hirings have done in the past. And so there is no other reason for anyone to draw an inference that there will be — how should I say — an adaptation, adoption of the political philosophy of the government, given that that was the mandate for putting someone in this position as we were told in the past.

So I'd like to quote from Murray Mandryk's article, again on December 21 in the *Leader-Post*, and he says, quote:

> Whether this is the worst labour legislation in the country may be debatable. However, what it isn't — or at least, what it isn't designed to be — is legislation aimed at creating a "fair and balanced work environment."
>
> Especially when it comes to the amendments to the Trade Union Act, it really seems this so-called "fair and balanced" legislation really benefits private-sector employers more than anyone. Make no mistake that this is a right-wing government throwing a bone to the only people demanding the change — its friends and political donors in the business community who have patiently waited for the past 16 years for the labour pendulum to swing back in their favour.

So, Mr. Minister, is this the bone that's being thrown to the friends and political donors in the business community? Is there an axe to grind for instance by certain individuals? I again quote from the . . . I mean quote. I again comment on someone from the transition team. My understanding is Doug Emsley was on the transition team. Doug Emsley has also had dealings with the Labour Relations Board and might not be very happy about those dealings. Was it an axe to grind because of those situations? So is this a favour to the friends and political donors in the business community as Mr. Mandryk suggests in his article?

Hon. Mr. Norris: — You know, thank you very much for the question. Let's just, I think, take a moment to offer some clarification. A statement has been made about previous appointments to the Chair of the LRB. It may be significant to have a reference here — November 1991. That is, the new NDP government orchestrated a termination of the chair of the Labour Relations Board, Mr. Richard Hornung, and appointed its own Chair. So I just, you know, for the record let's put that out on the table.

You know, I think Mr. Mandryk offers important insights into not only what goes on within this institution but also the political pulse of Saskatchewan. Does that mean that individuals within this House agree with Mr. Mandryk? In fact I think one of the members opposite from the official opposition recently wrote a letter to the editor of the Saskatoon *StarPhoenix* in response to, if I'm not mistaken, response to something that Mr. Mandryk had recently written. That's part of the lively debate and discussion within a democratic, within a democratic society.

What I'll say is, as I've said previously — and we can go almost clause by clause; we can go amendment by amendment, but let's just kind of keep this on an even keel — we feel the LRB needs to be more accountable to the people of this province and most especially to the members of this House. We feel that its work can be done in considerably shorter time. That is, we have cases going back to 2004, 2005, 2006, 2007. What we've said is that work ought to be done within six months. We've said, look, that institution — the LRB — ought to offer an annual report. You've pointed out that they do this voluntarily. That ought to be done. And it ought to be done on a regular basis, and it's been legislated.

What we then turned and said, let's look at other jurisdictions; let's look at the certification levels across Canada. Why is it that Saskatchewan had this anomaly? Let's make sure Saskatchewan is in a competitive position. In Western Canada we're going to help make sure that there is a 5 per cent bandwidth. That is, BC 45 per cent, Alberta 40 per cent, Saskatchewan 45 per cent, Manitoba 40 per cent. There. Saskatchewan is going to take its rightful place in Western Canada.

Let's talk about the legislated term limits on collective bargaining agreements, the only jurisdiction in Canada, the only provincial jurisdiction in Canada to do this. Let's again stop being an anomaly and actually have this straightened out so that we're consistent with the Canadian norm.

Regarding communication in the workplace, let's actually go along again with the Canadian norm to help ensure that there is reasonable and responsible communication in the workplace.

So on this, and I actually, I think Mr. Mandryk does some of his best writing when he is talking about issues of fairness and justice. And I think sometimes it's a very helpful discussion to have because it actually goes back to elements of competing platforms that came forward during the election — competing platforms, competing ideas. It takes us all the way back, and then it actually comes back to notions of a good life. What is it that the respective parties were offering during the election regarding a notion of a good life for the people of this province?

So I would turn and say, respectfully on this instance, I would like to go through and turn and say, you know, sometimes I agree with Mr. Mandryk. On occasions I would disagree with what he writes. I'm sure the same holds for members of the Assembly, but always he provides us something to think about.

But empirically as we go across the board and we go amendment by amendment to The Trade Union Act, I turn and say, on this I think really what we're seeing is a moderate shift, a recalibration, modest recalibration regarding The Trade Union Act.

My final point to this question I will just simply say as we approach the close of nearly 20 hours of debate, dialogue, and discussion, it remains unfortunate for individuals of the opposition to identify individual citizens. We've seen it on a few occasions, and turn and identify individual citizens and say it's this person — this person. What's this person's role? You know I have to say it's disconcerting.

The platform we ran on, the promises — 60-plus of which we have delivered — come from a notion of what that good life in Saskatchewan is. And you know, the people of this province, they selected that. We ran on it.

Bill 6, you can find the key elements of this Bill written on pages 19 and 20 of our campaign platform. It's right there. Because the people of this province, the people of this province based on a recent poll — front page of the *Leader-Post* on this past Saturday — almost 62 per cent of which say, you know what? Free communication, that sounds like a good idea as long as it's responsible. Secret ballots, about 75 per cent polled think that's a fair and reasonable idea. We see almost 60 per cent approval on the 45 per cent threshold. So not only have we presented this. Not only did we run on it. Not only were we elected on it. Not only are we acting on it. Not only in a few more hours are we going to see this enshrined in legislation. Based on recent polls, people are reinforcing those choices.

And again, I believe it will be to the official opposition that perhaps what tonight will appear to be a rhetorical question will actually be, you're going to vote against secret ballots? Are you going to vote against the LRB being mandated to have an annual report? You're going to vote against the LRB having to get its work done in six months? And obviously the members of the official opposition will have to take their own counsel or their own party's lead or however they make their decisions. But it's pretty clear the mandate to govern and the actions of this government align very, very, closely, and they align with the people of this province.

And that's why we're putting this Bill forward. That's why I have appreciated the opportunity to come before this committee. And if there are other questions, then I am happy to, you know, to continue on this, but there may be some other questions from other angles or through other lenses. But that's why we're coming forward with this piece of legislation and others.

Ms. Morin: — Thank you. I had to make notes because I wanted to make sure I could keep track of everything. Let's start back with 1991. I want to remind the minister that many changes had to be instituted to correct the practices of the previous administration. One of which was making sure that the Public Service Commission and the public servants end up being professional in every way, shape, or form and that the process used would be done so in a neutral and professional way. So the hiring that goes on through the Public Service Commission was to create a professional public service, and so the fact that a Chair is appointed by the government rather than going through the Public Service Commission detracts from that.

As for the minister quoting, it's unfortunate and disconcerting to quote names. I remind the minister that I wasn't part of the transition team, wouldn't have known the names of the transition team members. Those were names that the government released. So the government put those names out in the public domain, and so I guess the minister would have to talk to the individuals who released those names in the public domain as who was on the transition team.

With respect to the poll, as I said yesterday, I'm surprised that more people didn't respond positively to the question about secret ballot, given that anybody would be in favour of a voting system that would done in secrecy if they don't know all of the background information about that. So I'm surprised that it wasn't higher, but obviously some people are aware of perhaps the background information. But then again we find out from that same poll that most people don't even know that these Bills are even in the House.

As for the vote, well the vote is quite simple, Mr. Minister, in that this Bill has so many problems in it that there's no way that I could in good conscience vote in favour of this Bill. There is, there is contradictions in terms of what I've heard from the minister so far as to the minister's intent and yet what the wording is in the Bill. There are some obvious glaring differences in the Bill with respect to some of the other provinces that I would want to see addressed. So I would have absolutely no problems voting against this Bill, given the problems within the Bill that would need to be corrected for me to think otherwise.

I wanted to read for the minister a letter that was sent to the *Leader-Post* as well. It was a letter to the editor. So what I've done so far is given the minister an editorial from the *Leader-Post*. I've given the minister a column from the *Leader-Post*. And now I'd like to quote from one of the letters that have been sent to the *Leader-Post*, and this is from January 3, 2008. It says, quote:

> Your Dec. 20 article, "New labour laws called 'worst' in country," reports that our new provincial government has tabled legislation in order to amend the Trade Union Act.
>
> Premier Brad Wall seems determined to repeat the mistakes of the Grant Devine years in this province by attacking the ability of working people to make a decent living.
>
> The rationale offered for these changes is to make Saskatchewan more "competitive".

And he puts competitive in quotation marks. Then he goes on to say:

> Belonging to a union has significant economic benefits. In 2002, the median union worker earned $5.80 more per hour than the median non-union worker in Canada . . .

He goes on to say again:

> My own experience over 35 years in the work world is that union membership is even more advantageous than these figures suggest. The strength that comes from union representation makes it easier to secure good benefits, improve working conditions and ensure that labour standards are met.
>
> In Saskatchewan, only 36 per cent of the total workforce is unionized. Only 18 per cent of private-sector workers belong to a union.
>
> The fact that so few workers are unionized, despite the massive advantages, suggests that "the scales have been tipped for . . .

Let me try that again.

> The fact that so few workers are unionized, despite the massive advantages, suggests that "the scales have been tipped for far too long in favour" of business under our present legislation. Employers already have too much power.
>
> Wall and his crew are trying to limit workers' ability to bargain. They want to take away the right to strike from some workers by deeming them "essential".
>
> Other proposed changes are designed to make it harder for most workers to gain union representation.
>
> Wall claims his goal is to grow our province to prosperity. How will lower wages, fewer benefits and worse working conditions help Saskatchewan "compete" to attract the educated, experienced and skilled workers we need?

This letter is signed by David Weir and I'm wondering if the minister would like to reply to David since we have the forum to be able to do so when — God help him if he's watching, then at least he'd know what the minister might want to say in response to his letter.

Hon. Mr. Norris: — Well I'd start by offering that . . . to go back to a couple of earlier points. The Chair of the LRB is actually not a Public Service Commission appointment, it's an

order-in-council appointment. It's significant just in a technical sense. So that's where we can start.

Regarding Mr. Emsley, who I have significant respect for, it actually isn't the fact that Mr. Emsley's name is in the public realm or public domain. It's the member, the conscious effort to link Mr. Emsley and the efforts he's offered to this government in some way to the performance expectations of the LRB. I guess one would hope that individuals don't go there. So you know for the record, Mr. Emsley did an upstanding job on behalf of this government as far as helping with transition. And I think that's just important to note.

There was mention as well along the way regarding votes, and I think we may just have to agree to disagree on this one. But secret ballots — first of all reflective of the ethos, not simply in Saskatchewan but within the broader Canadian context — they are significant. They are profoundly significant for individuals to have the opportunity to again consult their own conscience.

To the letter to the editor, my response is, I've read quite a few letters, some to the editor, some privately, some publicly. Today I was just reviewing one. It's an individual who certainly belong to one of the most significant bargaining units in Saskatchewan. And this person had this to say, "I would like to let you know that you are doing a good justice for the people of Saskatchewan by bringing in this Bill and do not give up."

So to, if I have the name correctly, Mr. Weir, to this individual and to others that have expressed, through their insight and experiences a statement on this, I would just simply utter and offer sincerely my thanks because it's through the efforts of those individuals that they take time out of their busy days raising families and working and carrying out their duties as citizens that, if individuals find the time to offer an expression, whether supportive or offering reservations of this piece of legislation or any others, I think it actually reinforces that the polity, the polity is healthy. So my response is to simply say thank you.

Ms. Morin: — Well, Mr. Minister, I guess the sentiment would be that having a mandatory vote is like saying to somebody: are you sure? Given that we currently have a card check certification system that's been in place since 1945, given that there hasn't been any hue and outcry as to the fact that that's somehow not working, given to the fact that it has not skewed the percentage of unionization in this province by any means — it's right on par with the national average — it would be considered, I guess, an insult that a mandatory vote would have to take place, to say, are you sure? Did you do the right thing?

So when the minister says, you know, I can't believe that anybody would be opposed to a secret ballot, well it's not the secret ballot that anyone is opposed to in terms of the essence of a secret ballot. But the secret ballot in the amendments to The Trade Union Act, the way they are stated right now is what is in opposition, shall we say. It is not the notion of a secret ballot that people are opposing. It's the notion of a secret ballot when there's a card certification check already in place, a system that's worked well. And like I said, basically it insults the intelligence of the individuals who have signed those union certification cards.

I'm just going to check with the Chair and see where we are at for time so that I know where I'm still going to go next.

The Chair: — Well technically we have time till 1 o'clock, but if the time that you're referring to, we have about a half an hour — less actually.

Ms. Morin: — Okay. Well then perhaps at this point I'll turn it over to my colleague, and we'll see if I get some time back then.

The Chair: — I recognize Mr. Iwanchuk.

Mr. Iwanchuk: — Thank you, Mr. Chair. Just clarification on, I wasn't quite sure on the cards. Were you going to actually develop cards, or is there going to be a forum, or what was that going to look like? I wasn't clear on your answer.

Hon. Mr. Norris: — Yes, I think the element there on the cards relates to content.

Mr. Iwanchuk: — No, I just asked on the cards, and I was just wondering about the answer.

Hon. Mr. Norris: — Oh sorry. I just responded.

Mr. Iwanchuk: — Oh.

Hon. Mr. Norris: — It relates to the content.

Mr. Iwanchuk: — Pardon me?

Hon. Mr. Norris: — It relates to the content.

Mr. Iwanchuk: — My question?

Hon. Mr. Norris: — No, the cards. Cards relate to content.

Mr. Iwanchuk: — No, I asked what the cards . . . I mean, unions now have cards that they complete. How is that going to change?

Hon. Mr. Norris: — It relates to the content of the cards.

Mr. Iwanchuk: — What actual content?

Hon. Mr. Norris: — To help enhance efficiency and accountability from the LRB, the LRB will help to set what the actual contents will be.

Mr. Iwanchuk: — Okay. But was there something deficient in the cards that led to that change?

Hon. Mr. Norris: — Well I think what we've said previously is it relates to enhanced efficiency and accountability. Mr. Carr has just offered a term I think it helpful — standardization.

Mr. Iwanchuk: — Would you be contacting the unions or laying out sort of a here's-the-specimen card, and we want you to change to this?

Hon. Mr. Norris: — This will be spelled out through the regulations, and we envision a collaborative process between

various stakeholders.

Mr. Iwanchuk: — Okay. Thank you.

The Chair: — Ms. Morin.

Ms. Morin: — Thank you. I'd like to get back to what constitutes a valid vote for certification. So right now it appears that 50 per cent plus one of the employees in the appropriate union for a vote is required for unionization. This actually seems to contradict section 8 of The Trade Union Act. It says that a quorum is 50 per cent plus one of those eligible to vote, and now it seems to be saying it's 50 per cent plus one of those who actually vote. Can the minister provide clarification on that please?

Hon. Mr. Norris: — This is an element of continuity, that is, that the quorum requirement remains the same.

Ms. Morin: — So then the Premier's interpretation is actually . . . I'm not sure if the minister is aware of the Premier's interpretation, but the Premier's interpretation was that the intent of the new law would be that all employees who do not vote are counted as no votes. So in other words the Premier's interpretation of the scrum was incorrect. Is that what the minister is saying?

Hon. Mr. Norris: — Well you know I don't have those specific comments in front of me. I'll just say this relates to quorum.

Ms. Morin: — Okay I'll put the question this way then. So all the employees who do not vote, are they then counted as no votes?

Hon. Mr. Norris: — I'll just make sure I have this. All the employees that don't vote . . .

Ms. Morin: — That do not vote, would they then be counted as no votes with respect to a certification vote?

Hon. Mr. Norris: — They'd be counted as no votes.

See if I can spell this out. It's actually not about — see if I can get this — the quorum requirement is 50 per cent which doesn't change. That stays. As long as that threshold has been met then from there it's 50 per cent plus one of those that vote. So you know, there are two issues here. One is a quorum piece and that stays the same. We didn't alter that. The other piece is once that threshold is crossed then the answer is in other democratic contests, 50 per cent plus one of those.

Ms. Morin: — Thank you. So that helps me a lot in understanding this. Thank you. So it's 50 per cent plus one of the individuals come to vote with a quorum requirement of 50 per cent of the workplace. Correct. I'm just looking for some nodding heads so we can get through this a little quicker here. So if quorum is not met . . .

Hon. Mr. Norris: — So if less than 50 per cent show up.

Ms. Morin: — Right. So if quorum is not met, what would the procedure be then?

Hon. Mr. Norris: — And it would be the same as it is right now. That is, there would be a failure in the application.

Ms. Morin: — And so just to clarify, the failure in the application would mean how long would an organization have to wait before they can reapply for certification?

Hon. Mr. Norris: — Yes, this remains the same. It remains the board's decision but the parameter is six months.

Ms. Morin: — And the current quorum requirement is what?

Hon. Mr. Norris: — We're going to read right from the Act:

> Quorum for vote
>
> [This is section] 8 In any such vote a majority of the employees eligible to vote shall constitute a quorum and if a majority of those eligible to vote actually vote, the majority of those voting shall determine the trade union that represents the majority of employees for the purpose of bargaining collectively.

Ms. Morin: — Thank you. So that clarifies the confusion around the scrum that was held with the Premier. So I appreciate the clarification that was made. Thank you.

I've been told that we're nearing the hour here. I'm getting the nod from the Chair here. So I guess with that, I will say it has been, it has been, colleague from the government side, a slice. I would say it's been a few other things as well, but I do appreciate the minister's time. Clearly there has been a lot of work done on the minister's behalf as well as on the opposition behalf.

And so I would at this time like to thank all of the opposition members for their diligence and hard work and hours that have been put into this committee. I'd like to thank the government members for their patience for the many hours that we've sat through this committee as well, and the minister for answering the questions, as well as all the officials that have been with you all these many hours, given that it's not just Bill 6 that we're talking about Bills. It's Bill 5 as well.

I know we've spent more hours together than I've seen my own husband and my child, so we've shared a lot in the last number of weeks. So I want to thank you all, and wish everyone a good weekend coming up. Thank you.

The Chair: — I recognize Mr. Iwanchuk.

Mr. Iwanchuk: — Yes, same. Just to follow up on my colleague's comments, and to the government members, thank you for their time that they spent; to you, Mr. Chair, for sometimes testing your patience. But all the rulings, we thank you for your rulings on that. I know sometimes these are contentious issues and felt and passionately held views. And I think we were able to deal with those.

And I thank the officials for sometimes putting up for questions that they might think are unclear or perhaps misdirected. But I thank them. And thank you, Minister, for the time you have spent here as well. So thank you, Mr. Chair.

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

Ms. Morin: — Thank you, Mr. Chair. So now if I turn my body this way because unfortunately I've been in this position for — I don't know — it's probably been about 45 hours now. That's why I have this kink in my neck. But anyways, I want to send a heartfelt thanks to the Chair of the committee. He has done a phenomenal job. Really I am very thankful. And of course the Clerks who have sat through these many hours as long as we have, and of course Hansard who has had to transpose the many hours that we've been sitting in this committee. So it's been a really fantastic and phenomenal effort all the way around. And I want to thank everyone. Thank you.

The Chair: — Are there any more questions or comments from any committee members? Seeing none, clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 12 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: An Act to amend The Trade Union Act.

Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Agreed. I would ask a member to move that we report Bill No. 6 without amendment.

Mr. LeClerc: — I so move.

The Chair: — Mr. LeClerc moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Before I ask the members for a motion of adjournment, I would like to take this opportunity to thank the members of the committee, the members, the other members that have been involved in this process. I thank you for making the Chair's job as easy as possible. We have certainly done due diligence on Bill 6 and I think it's a compliment to all members who participated in the process.

And on behalf of the committee members, Minister, I would like to thank you and your officials for your co-operation in the lengthy process. And I feel that the people of this province have been well served by the process and that is because of the co-operation of all those involved in this process.

Some Hon. Members: — Hear, hear!

The Chair: — I recognize the minister.

Hon. Mr. Norris: — I would just like to extend my sincere thanks to obviously government, opposition members of this committee, Mr. Chair. Most especially you for the work that you've undertaken and navigated us through any number of challenging, challenging circumstances. I appreciate that very much. Most especially to echo sentiments around the table already.

Again, it's one thing for elected representatives to go through this. It's another as we turn to the officials that serve this province and the people of this province so ably from the ministry and most especially those working within the legislature serving this committee so ably. I wonder if we might just be able to offer a round of applause to all those concerns that have helped us.

Some Hon. Members: — Hear, hear!

Hon. Mr. Norris: — Thank you, Mr. Chair, and I've appreciated the 41 hours we've all spent together.

The Chair: — At this time I would ask a member of the committee to move a motion that we do now adjourn.

Mr. Allchurch: — I so move.

The Chair: — Mr. Allchurch moved that we adjourn. Is the committee agreed?

Some Hon. Members: — Agreed.

The Chair: — This committee stands adjourned.

[The committee adjourned at 19:29.]