

June 12, 1990

EVENING SITTING

COMMITTEE OF THE WHOLE

Bill No. 3 — An Act respecting Custody of, Access to and Guardianship of Property of Children, Child Status and Parentage and Related Matters**Clause 1 (continued)**

Mr. Prebble: — Mr. Chairman, I'm ready to go to clause by clause. I'll have some specific questions for the minister on clause 4.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4

Mr. Prebble: — Mr. Minister, with respect to section 4, as you know, section 4 permits a parent to appoint one or more persons as a legal custodian of the child to take effect on the surviving parent's death until the child reaches 18 years of age. And one of the things, Mr. Minister, that I think is missing in this section, is a requirement that the child be consulted with respect to the appointment of the legal custodian.

Mr. Minister, when I talk about the Bill needing to reflect a theme of providing protection and security to the child and respecting the rights of children, this is one of the areas that I'm thinking of. And I wonder, Mr. Minister, if you would consider bringing in an amendment that would ensure that the child is consulted before the legal custodian is appointed.

I'm not wanting to interrupt the minister; I realize he's considering this. Just as a point of clarification, as he knows from second reading debate, we have in mind here consulting children who are 13 years of age or more. We're not thinking here in terms of consulting with children who are 12 and under. But our position is that when someone becomes a teenager, if a legal custodian is going to be appointed for them, they should have a right to be consulted about that before a final decision is made.

Hon. Mr. Lane: — I have a little difficulty because I can see some merit to the hon. member's . . . This is not a provision, though, where it's a court order situation. This is a private matter within the family, and certainly traditionally in something like this, the parents have that responsibility. That's not something that the United Nations convention requires either.

So we have some difficulty because in the vast majority of circumstances it would be a parent acting in the best interests. To make a requirement in circumstances where it wouldn't be appropriate, and perhaps not desirable, may be unwise. So we took the cautious approach on this. I'm not standing here disagreeing with your argument. I can see circumstances. I suggest they would certainly be the minority of cases. And I suppose my caution because it is a private matter, a family matter, would be, let's see if this works.

Again, if there's a problem, we may have to come back to that question of a child over 13, and 13's an arbitrary figure and I understand that. But again we're very uncomfortable imposing that type of provision in the vast majority of cases where the family and the parent is making a decision in the best interests of the child — not an arbitrary — and it's a happy relationship. So we're very uncomfortable interposing that as a matter of course.

Mr. Prebble: — Mr. Minister, I can understand your argument and I think you're appreciating ours, but I think there are a minority of situations in which this becomes important. And of course when we're talking about children's rights, as with anybody else's rights, these rights usually only need to be exercised in a small minority of circumstances.

And, you know, one of the difficulties of this legislation, if I can compare it with The Family Services Act, is here, you see, a child basically doesn't become an adult until 18 years of age. There's a whole set of other legislation — and The Family Services Act is a good example — where a child is an adult upon becoming 16, from the point of view of The Family Services Act. So we've got these contradictions too. But basically what this legislation does is . . . You know, from the point of The Family Services Act, a 16-year-old has a whole variety of rights, whereas under this piece of legislation a 16-year-old could have a custodian appointed for them without even being consulted. And we just don't think that's acceptable.

Hon. Mr. Lane: — You're correct. The laws are different in intent and thrust. This is The Children's Law Act; it's designed for a different purpose than is the other legislation. I mean, you raise the age to 16 — and I know you're not hanging your hat on that particular age because for all practical purposes, a 16-year-old is going to live where the 16-year-old intends to live — and the courts may be brought into this process. But at some point there's an age in that family relationship where the courts are going to be more aware of the child's stated desire. I can't pick an age, and I don't think it would be wise to be absolute about it.

Having said that, this is The Children's Law Act, and the question you raise: what happens if, by will, the deceased makes a direction by will as to where the child is going? Or is the argument that the child then overrides the will? That raises all sorts of legal ramifications which could affect the very basis of the will and the law in that regard.

So again, on these we're recognizing that these are private matters. We can ultimately get extreme in putting the government involved in private matters in many cases where it would be unwise. And again, I'm not sitting here disagreeing with the hon. member. We can both recognize circumstances where, in an unhappy situation, then the court is likely to get involved — not in all cases, obviously, but a more likely case for the court getting involved. But if it's a satisfactory family relationship, then I question whether we should intervene. At least, let's see that it works. Again, we may be back to deal with those minority of circumstances where there is a problem.

Clause 4 agreed to.

Clauses 5 to 7 inclusive agreed to.

Clause 8

Mr. Prebble: — Yes, Mr. Minister, clause 8 is a very important clause in this Bill. And of course it deals with making or rescinding an order for custody. And, Mr. Minister, I want to put forward here again that this is where the courts should be able to receive recommendations from the children's advocate and this is where we think that a child should receive the right to be heard by the court if he or she has reached the age of 13 years or more. And finally we think that a child who's 13 years of age or more should be guaranteed the right to receive advice from legal counsel.

I realize of course that the court can arrange for the child to receive advice from legal counsel, but at some point, Mr. Minister, the child's right to receive this, whether or not the court orders it, should be guaranteed in legislation. None of this is there. That makes that section, Mr. Minister, unacceptable to us and I'm wondering if you would consider bringing in amendments along the line I suggest.

Hon. Mr. Lane: — Sections 8 and 9 clearly comply with the United Nations convention. The convention states that the child shall be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or through a representative or an appropriate body in a manner consistent with the procedural rules of national law. And in our view these sections 8 and 9 both require the court to take into account the wishes of the child to the extent that the court considers appropriate.

Again you're making the argument that this should be mandatory in all cases. I'm not persuaded that it need be mandatory in all cases, that the protections that are set out, including this new legislation, then the child can, with court order, receive legal advice. The United Nations convention doesn't require it.

Who does the lawyer take instruction from, is one of the difficulties. If we're talking about a mandatory right to a legal counsel, you have a problem sometimes with a minor child incapable of instructing, so there has to be a discretion in the courts, in our view — keeping in mind that the courts are required fundamentally to take into account the child's best interests.

So the court will have to judge the child in whatever manner it does and then make a decision that the court believes to be in the child's best interests, be it legal advice, whatever the case may be. So there is the flexibility there. And I'm prepared at this stage in the development of the law to let this operate again, giving the courts the ability to make virtually any decision they really wish, whether it be appointment of counsel, guidance, or whatever.

So it's not a simple issue. There can be arguments made against it being mandatory, but certainly at this stage, I

believe the protections are adequate.

Clause 8 agreed to.

Clauses 9 to 13 inclusive agreed to.

(1915)

Clause 14

Mr. Prebble: — Mr. Chairman, just with a little bit of latitude from you, I just want to say to the minister — because I don't want to dwell unduly on this — that our concern with respect to the previous discussion is simply that we think that simply to put in a provision that the court is to take account of the wishes of the child to the extent that the court considers it appropriate, leaves too wide a variation for interpretation by the court and by different judges. That is our concern.

With respect to Part III of this legislation, one of the concerns we have is with respect to extradition orders. And here the United Nations convention, Mr. Minister, is quite clear. It clearly requires that there should be no extradition without children having the ability to participate in the decision-making process. And we are suggesting, we propose that a child 13 years of age or more be given the right in law to state their interest before a court order is made on the matter of whether a child should be returned to another province. Moreover, the child should have access to legal counsel, Mr. Minister.

So, Mr. Minister, we're just not able to support this section of the Bill in its current form. And I think here I acknowledge that on some of the other matters we've been stating, I guess it's a matter of interpreting the UN (United Nations) convention and its intent. Here I think the intent is quite clear. And I'm wondering if the minister would consider an amendment to implement the proposal that we've made.

Hon. Mr. Lane: — The difficulty with the hon. member's argument is that it goes contrary to the trends to lower barriers. In other words, we let — for want of a better word — the primary jurisdiction that dealt with the matter make those rulings. We're increasingly lowering barriers so that their orders are more enforceable in other jurisdictions.

So your argument would go contrary to the trend and the direction that we're wanting to go, which is if Saskatchewan court makes an order, we would expect it to be carried out in another province. To reverse that and interpose and put new rules in would go contrary to the trends which all jurisdictions are trying to move to. So that's a very strong argument against the proposal. And one of the reasons we came up with the direction we did is we're keeping very much in mind that we're trying to make these orders enforceable and more easily carried out in other jurisdictions, not more difficult.

Mr. Prebble: — Mr. Minister, the net effect of that is that the child has no voice before the court, no opportunity to state its interest, no right to legal counsel under this provision in the Bill. I understand what you're saying, but on the other hand, what this means is that the interests of

the child are not necessarily being held uppermost.

Hon. Mr. Lane: — It doesn't rule out the possibility that in the appropriate circumstances our courts can . . .

An Hon. Member: — Right, but there's no guarantee.

Hon. Mr. Lane: — No, no, but understand that we're trying to balance two conflicting interests here: one of which is having a system whereby it's more easy to enforce court orders from another jurisdiction as opposed to make it more difficult. And if a Saskatchewan court makes an order that the custody of the child, say, is in the mother here in Saskatchewan, the child is taken or goes to Ontario, we certainly want it easier for the Ontario courts to enforce the order that the child come back as opposed to running into the Ontario court, which would say, well we're going to look at all this all over again and present new evidence. It would make it very difficult for the mother here in Saskatchewan.

So you're asking for the reverse to that to happen, which is a child coming into this province. It's still there for the court to make a decision in those circumstances where the court deems appropriate. But we would hate to raise barriers to the enforceability of orders in other jurisdictions. So the courts have the power, the ultimate discretion, but we would certainly . . . We believe that those trends are correct. The direction of ease of enforceability of the orders is the correct way to go and we would hate to impair that.

Clause 14 agreed to.

Mr. Chairman: — The Chairman asks leave to go page by page. Is leave granted?

Leave granted.

Pages 8 to 10 inclusive agreed to.

Page 11

Mr. Prebble: — Thank you very much, Mr. Chairman. Mr. Chairman, section 21 of the Bill states that, "Where there is a conflict between this Act and The International Child Abduction Act, the latter Act prevails."

And once again, Mr. Chairman, we've got a concern here because The International Child Abduction Act makes no provision for legal counsel for children. This is important because children in these situations are in some cases arrested and usually placed in detention.

So, Mr. Minister, I'm suggesting that we propose access to legal counsel for a child who's in this situation, if they're 13 years of age or older. And I'm wondering whether you could be prepared to accept that recommendation.

Hon. Mr. Lane: — We shouldn't be extreme because it would colour the intent of the legislation. I mean these children are not picked up, put in detention, or anything else. They are very well looked after and it's not a harsh result. But it's basically the same question that you'd asked before and I freely acknowledge that we're balancing competing interests here.

And I would simply say that we can't just look at giving all the powers to Saskatchewan courts on the one side to deal with every situation and then say that other courts can't deal with Saskatchewan court orders. So we are trying to make it easier.

The thrust we are trying to go is that a custody order made by a Saskatchewan court, we would want it easier to carry out that order, say in Ontario or British Columbia or where it is — not more difficult. So the trend is to try and ease the enforceability of the orders and to take your argument would make it more difficult.

Mr. Prebble: — With respect to custody and access enforcement, Mr. Minister, I wonder if you'd agree with the proposal that we put forward in second reading — that a child who's 16 years of age or older should be given the right to independently seek the enforcement of a maintenance agreement, Mr. Minister.

As I said, I really find it quite amazing that under many pieces of legislation — and The Family Services Act is a good example — a child at 16 is considered an adult. I don't particularly agree with that but yet when we come to The Children's Law Act, a child at the age of 16 seems to have very few rights. And one of the things that we think logically should be the right of a 16-year-old is to independently seek the enforcement of a maintenance agreement, Mr. Minister, and I'm wondering if you'd be prepared to look at that.

Hon. Mr. Lane: — This Act doesn't deal with the maintenance question. That's family law Act, Family Maintenance Act which deals with that provision, so it's not applicable in this Act.

Mr. Prebble: — Well, Mr. Minister, there is some overlap between the legislation and I put this proposal to you. We just finished discussing the other Bill. Are you prepared to look seriously at ensuring those rights for a 16-year-old or a 17-year-old under the legislation?

Hon. Mr. Lane: — To the hon. member, if you go back to The Family Maintenance Act, it is certainly possible for a child to make such an application under that Act. And I refer you specifically to section 3, and that's the support obligations. And if they're not carried out, the child would, we believe, have a right to become involved in that maintenance obligation. So that's the appropriate place for that to be carried out.

Mr. Prebble: — I hear the minister is saying then that he thinks that a 16- or 17-year-old does in fact have that right.

Hon. Mr. Lane: — We believe that the child would, in the appropriate circumstances, have the right. That would be determined by the court.

Page 11 agreed to.

Pages 12 to 17 inclusive agreed to.

Page 18

Mr. Prebble: — Mr. Chairman, I have one final point here and this is with respect to sections 32 and 34 of the Bill, which deal with the guardian's authority in managing property held on behalf of children, and with the security that a guardian has to provide.

Now, Mr. Minister, we discussed this in second reading and I put forward two proposals to you. One is that it seems to me that it would make sense that a children's advocate be involved and receive information from all guardians who are holding property and managing it on behalf of children, on an annual basis with respect to the status of that property, and with basically the financial state of affairs of the property that's being managed, so that an independent third party is in effect safeguarding the child's interest.

And secondly, I propose to you that a child who's 16 or 17 years of age should surely on a regular basis receive information about the financial state of affairs of the property that is being managed by the guardian, and that should just be as a matter of course. That information should be provided on a regular basis.

The way the system works now, as I understand it, basically a child doesn't get a full reporting from the guardian on the status of financial affairs until he's reached the age of 18 and basically takes over the property himself.

I would like to hear from you, sir, whether you would be prepared to introduce an amendment that would in effect ensure that 16- and 17-year-olds have a right to this financial information and receive it, perhaps on a semi-annual basis, from the guardian.

Hon. Mr. Lane: — We believe that the right to obtain the information is in fact there. What we're really talking about, I believe, is a procedural matter. We believe that to have a child advocate do what the public trustee is already doing, which is a trustee for the property of a child under 18, would be a duplication. Having said that, I am prepared to check with the public trustee and see whether there is a way of supplying that information just perhaps on a reporting basis without the need for an application, and I'll undertake to get back to you on that. And if there are difficulties, we'll raise those with you and if not I certainly wouldn't have a difficulty in principle. But if we do it that way it would solve the question that you raise.

Page 18 agreed to.

Pages 19 to 35 inclusive agreed to.

(1930)

Hon. Mr. Lane: — I move the committee report the Bill, Mr. Chairman. And if I may quickly thank my officials, in particular, Mr. Moen and Miss Amrud. This reform of family law that we have implemented this session, I think, is one long overdue and there's significant legislative initiatives. I appreciate the questions of the opposition critic on this, and I believe that these are a significant step forward in the development of the family law.

Mr. Prebble: — I thank the minister for his undertakings

to me. I look forward to receiving a letter back from him on these issues, and I want to thank him and his officials this evening and we look forward to some of the changes that are in the Bill.

The committee agreed to report the Bill.

THIRD READINGS

Bill No. 5 — An Act respecting Child and Spousal Maintenance and Consequential Amendments resulting therefrom

Hon. Mr. Hodgins: — Mr. Deputy Speaker, I move that this Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 6 — An Act to amend The Dependents' Relief Act

Hon. Mr. Hodgins: — Mr. Deputy Speaker, I move that this Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 3 — An Act respecting Custody of, Access to and Guardianship of Property of Children, Child Status and Parentage and Related Matters

Hon. Mr. Hodgins: — Mr. Deputy Speaker, I move that this Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

COMMITTEE OF FINANCE

Consolidated Fund Budgetary Expenditure Human Resources, Labour and Employment Ordinary Expenditure — Vote 20

Mr. Chairman: — Would the minister introduce his officials to us, please.

Hon. Mr. Schmidt: — Thank you, Mr. Chairman. Now with television I suppose one has to worry about whether it's left or right, I guess. On my right, the deputy minister of Human Resources, Labour and Employment; on my left, the assistant deputy minister, Ron Kruzeniski; and directly behind me, Natalia Carroll, and she is the executive director of support services; and Pat More, the chief financial advisor.

And I might advise you, Mr. Chairman, that present also is our seeing-eye dog, Beau, who is companion and assistant to Ron Kruzeniski, the assistant deputy minister. So that if you're wondering about the stranger in the House, this is a well-behaved stranger here with his tail sticking out beside my desk. And so this is probably a first for this legislature, that we have a seeing-eye dog. And the opposition is in a good mood, and I would say that we're prepared to lend our seeing-eye dog to the opposition if necessary, Mr. Chairman.

Item 1

Mr. Hagel: — Thank you, Mr. Chairman. I would say to the minister, well we'll see what happens and we'll take a look at a number of things tonight and draw conclusions at the end of the evening.

Mr. Minister, first of all I'd like one of the pages to take over to you a list of standard questions regarding the operation of your office, your personal staff, trips, out-of-province travel, advertising, polling, and the use of aircraft. Mr. Minister, if you would commit to me to respond to these in writing by a certain date, then that would be acceptable. And I'll ask the page to take them to you to review, and if you want to respond to those in writing by a certain date, then we can proceed.

Hon. Mr. Schmidt: — I've looked at the information and I was going to give it out to you now but it might get a little lengthy. So in due course we'll send it over to you. It's about the same as last year. There's no major change in this department. I've been minister for five years; it's sort of business as usual. There hasn't been any major change since last year, so we'll send it over in due course, okay?

Mr. Hagel: — Mr. Minister, by what date would due course occur, please?

Hon. Mr. Schmidt: — Depending on how busy we are, and how busy I am, I suppose we could do it by this Friday.

Mr. Hagel: — That would be acceptable, Mr. Minister. Thank you.

Mr. Minister, as we review the performance of the Department of Human Resources, Labour and Employment this evening, there are a large number of major concerns that we'll be needing to take a look at. A large number of major concerns as a result of the actions, or the inactions, of your department, which quite frankly impact on the large majority — if not in fact every person — in our province.

It will come as a surprise to some in the province that your department is mandated to be responsible for in-migration, to attract people to the province of Saskatchewan. Mr. Minister, it goes without saying that there is a large concern about the human tragedy that we're experiencing in Saskatchewan these days, in which we've lost already, so far in 1990, nearly 7,700 people. Now I'm not talking about 7,700 people who have moved out of Saskatchewan, but 7,700 more who have left Saskatchewan than moved into our province.

With the year being a third of the way through — and those figures are up until the end of April 1990 — a third of the way through the year we find that the number is, as a matter of fact, a third of the 23,700 that we lost, the net loss in 1989. Now, Mr. Minister, the fact of the matter is that since 1985 there has been a net loss of some 70,000 people from the province of Saskatchewan.

Mr. Minister, we will also be taking a look at the sorry Tory record of employment stimulation, and addressing

the fact that from 1971 to 1981, under a New Democrat government, there was an average of 9,100 new jobs created every year. From '82 to '89, under a PC government, Mr. Minister, there has been an average of 2,625 new jobs created per year. And particularly sorry, Mr. Minister, is the job creation record of your government as it affects young people, and we will also be taking a look at your performance and your plans related to student summer employment, Mr. Minister.

Mr. Minister, in addition to that, your department has developed itself a bit of a reputation for being weak in the enforcement of labour standards. And to add to the misery, Mr. Minister, I note in the budget document that you are intending to cut three positions from labour standards this year.

Worker's compensation continues to be the source of a large number of complaints, Mr. Minister. A large number of injury games, it seems to me, are being played, as reported to me by both injured workers as well as health-care professionals in Saskatchewan. In addition to the injury game of deeming, it seems that now the mode is to play the injury game of pre-existing condition and soft tissue. And we've all heard the complaints related to that, Mr. Minister.

But, Mr. Minister, in the two and a half years that I have served this Legislative Assembly as labour and employment critic, when looking at the issues impacting working people in Saskatchewan, it seems to me that the number one ongoing issue, not always first in the minds of people but the number one overall and ongoing, lies in the area of concern for your enforcement of occupational health and safety.

And so it is there, Mr. Minister, that I wish to begin this review of estimates here tonight. I know now, in looking at the budget documents, that you will tell me that you have budgeted for six new positions — the minister holds up six fingers, some from one hand, some from the other.

Mr. Minister, I recognize that you will tell me that there are six new positions in occupational health and safety, and that on the other hand, you will not want to draw a large amount of attention to the cut in labour standards of three positions within your department. And I suppose, Mr. Minister, that you will try to tell me and the people of Saskatchewan, working people in particular, that they're going to have to trade off attention to labour standards for attention to occupational health and safety. And, Mr. Minister, I say simply to you that that is an unacceptable trade-off.

(1945)

Well, Mr. Minister, back in October 1988, your department, the occupational health and safety branch, made amendment to regulations which were passed by order in council. And one particular regulation — I refer to regulations in section 249 — passed without meetings with anyone in the labour movement. In fact, it would seem, as history has unfolded, Mr. Minister, passed without any consultation or virtually no consultation with industry.

Prior to the change, Mr. Minister, of regulation 249, the regulations specified that, and I'll quote:

An employer shall ensure that no worker is raised or lowered by, or is required or permitted to work on, any platform suspended from a crane or front-end loader or on any hook, headache ball or other part of a crane or loader except with the written permission of the director, which permission may be subject to any conditions that the director may specify.

And I want to underline that last phrase, Mr. Minister, because this is the phrase that was removed. This, Mr. Minister, was an Act of deregulation, occupational health and safety deregulation which withdrew the phrase "except with the written permission of the director, which permission may be subject to any conditions that the director may specify."

In other words, Mr. Minister, as a result of this deregulation of section 249, regulation occupational health and safety, it no longer became necessary in order to meet approval for the operating of a free-swinging man bucket to have it inspected and approved by the director of occupational health and safety.

Now it appears, Mr. Minister, that at that time, shortly thereafter, that K-Line construction, the subcontractor for SaskPower, not even K-Line construction was familiar with this deregulation of this occupational health and safety regulation, as K-Line construction, as history unfolds, Mr. Minister, it appears did go to the occupational health and safety branch for permission to use the man bucket.

However, Mr. Minister, it became obvious that there was no permission required from the director. No inspector went out to investigate and, Mr. Minister, as a consequence there was a tragedy in the province of Saskatchewan. On March 7, 1989, in Outlook, Saskatchewan, 19-year-old Jason Greenwood was working in a free-swinging man bucket, a man basket, Mr. Minister. And on March 7, he fell to his death. It would seem, Mr. Minister, as well, that the attention of the occupational health and safety branch left something to be desired.

And it would certainly seem, Mr. Minister, if it were not for the diligence of Jason Greenwood's family, in particular his mother — motivated, I would add, not by revenge but motivated by love for her son and a desire to see changes made so that this kind of tragedy would not happen to another family in the province of Saskatchewan — began to raise that issue of the deregulation of section 249 of the occupational health and safety regulations.

Mr. Minister, you will also be aware that SaskPower contracted out that work . . . (inaudible interjection) . . . I beg your pardon?

An Hon. Member: — Can't you ask these questions one at a time?

Mr. Hagel: — Well I'm outlining, Mr. Minister. I have a

series of questions that I will be asking you and I'm sure that you will do your best to answer. I'm simply outlining the history, Mr. Minister, of the tragedy which has occurred, which has occurred at least in part, Mr. Minister, because of deregulation in the occupational health and safety regulations by your department.

SaskPower, Mr. Minister, contracted out the line work in the North Battleford-Outlook area, was not prosecuted subsequently under The Occupational Health and Safety Act even though it appears clearly in the Act that they should have been. Mr. Minister, it would appear then that as a result of a deregulation, four months subsequent to that period of time a tragedy occurred in the province of Saskatchewan.

So let me begin, Mr. Minister, to ask some questions of you regarding the actions of your department related to what has become known in Saskatchewan as the Jason Greenwood tragedy. Mr. Minister, let me begin by asking you this then: I ask you why it took four and a half weeks after the fatality for the occupational health and safety branch to prosecute K-Line construction, the sub-contractor involved in this accident.

Hon. Mr. Schmidt: — Well, Mr. Chairman, the answer to that question is that when there's an accident of this nature you have to investigate thoroughly and properly, and four and a half weeks is not an unreasonable length of time to investigate such an accident.

I might also say that the investigation was thorough and proper and that the prosecution resulted in a conviction of the employer on four counts, a total fine of \$7,000, I believe. The fine amount is in the hands of the courts and we cannot second guess the courts on their decision on how much they should fine. And that is the explanation for the four-and-a-half-week investigation which led to successful prosecution, which will not assist Mr. Greenwood in any way but it will assist others in the future so that these kind of accidents won't happen. And that's all we can do, is try to prevent accidents; we can't reverse them in this department.

In answer to some of your preamble there, and in explanation, you have acknowledged that we are increasing by six the number of occupational health and safety officers, and I signed the order, I think it was late last night, for the hiring of additional five people. We'd expect that those advertisements will go out fairly soon.

The reason for the reduction in labour standards is that, partly at your request and partly at the request of the Saskatchewan Federation of Labour, we decided not to proceed with the employment benefits Act in 1988, and we did not need those people to implement the new Act which would have had a re-education process for people throughout Saskatchewan with respect to the details of the Act. As it stands, the current Act remains and there is no need to spend money hiring three people to implement the existing Act because it's already there.

Your argument that there's deregulation here, certainly the regulations were not the problem with respect to the death that you refer to. First of all, you should know that at least 200 copies of the proposed regulations were sent out

to the industry, to union members, to employers. A copy was sent to the Saskatchewan Federation of Labour; they were asked for their input. None of the people who received the 200 copies saw this particular regulation as a problem.

The cause of the accident is not a problem of enforcement or a problem of the state of the law in this province. The problem is that the company in question did not follow the regulations, which was clearly proven in court; that that accident, those people responsible for that company will have to live with for the rest of their lives, knowing that they didn't follow the regulations. The court has already ruled on that particular question and has confirmed that the regulations were not followed so it's not the lack of regulations. It's not lack of enforcement. We try to enforce things but what you're saying is that to blame our department for every accident is like blaming the RCMP for every crime. They cannot be everywhere, they cannot check everything. They have to do their best to prevent crime, and we do our best to prevent accidents. It's very unfortunate that occasionally these accidents happen.

But I can say that our safety record has improved year after year, ever since I've been minister. The number of fatalities has gone down and so . . . (inaudible interjection) . . . You're indicating it went up last year? Well we could check and see the significance. The general trend has been down and I'd have to look at the most recent figures. I'll look at them and then we'll go into the details.

That's the situation, is that the law, if it has changed at all, has improved and been strengthened. And we consulted with everyone, including the Saskatchewan Federation of Labour, and I don't know what more we can do. We're hiring another six officers to go out there and enforce things even more. That would be a record number of officers in the field in this province.

And how many people? Do we hire one person for every employer? There has to be a limit to how many you can hire. So we're doing everything that is possible, weighing the particular cost. I mean you could double the police force in Saskatchewan, spend another \$300 million on Justice. There has to be practical limits on how much enforcement you can do.

Mr. Hagel: — Mr. Minister, if you were consulting, then there were a whole lot of folks that seemed to have missed the consultation. Certainly, the unions that do work related to the use of the cranes were not aware of the regulation. K-Line construction was not aware of the deregulation, Mr. Minister, because they went to your department seeking approval only to be told that they didn't have to have approval to use the free-swinging man bucket that was on the crane.

Mr. Minister, it became obvious to a large number of people working at that site that it was in fact a dangerous, swinging man bucket. Unfortunately, many of those workers on that site either did not realize that they had the right to refuse dangerous work, or if they realized, they felt that they didn't have an option of raising that, Mr. Minister.

But it was obvious to people working on the site that it was not a safe man bucket that was being used and under the circumstance it was being used, Mr. Minister. And had you not deregulated section 249 of the regulations, Mr. Minister, there had to have been approval from the director of occupational health and safety regarding the use of that bucket. I believe, and many others believe, Mr. Minister, particularly those who are most affected by their employment in relationship to this kind of work, believe that it would have been obvious immediately to the occupational health and safety branch that the bucket, as it was used, was not safe and would not have met with the approval of the occupational health and safety branch.

And I have to ask you, Mr. Minister, I have to ask you as a matter of responsibility to a large number of people who have been in touch with me regarding this tragedy, Mr. Minister, because it is a question that is on their minds: is it not true, is it not the fact of the matter that the reason that it took so long to reach the point of prosecution of K-Line construction is because your department was doing some backtracking and some scrambling; because your department became aware it was your act of deregulation, Mr. Minister, that contributed directly to the circumstances that led to this unnecessary tragedy?

Hon. Mr. Schmidt: — Let me say at the outset that workers have to look at a situation and decide whether it's dangerous or not and how dangerous it might be. If any workers in Saskatchewan feel that a job they are doing is too dangerous, I ask them to telephone our department and discuss the implications of what their options are with respect to refusing dangerous work.

We have offices throughout Saskatchewan. We have a head office. And I invite workers to phone our office and have their options and their rights explained to them directly from our labour standards officers. That's probably the best way of them receiving information — describe the situation while calling our department and our department will get the answer or send an inspector out to look at the job. No one can be dismissed for refusing dangerous work.

In the case that you refer to, the investigation showed that Mr. Greenwood's best friend and, I believe, Mr. Greenwood, went to the employer and complained of the dangerous situation. Mr. Greenwood's friend quit employment of that employer. Probably his friend should have phoned our department to advise us of the situation. But he saw the danger of the situation. Mr. Greenwood went back and worked in the dangerous situation. And if he had called us, we would have sent an inspector out; and if his friend would have called us, we would have sent an inspector out. Had anyone called us, we would have sent an inspector out. We can't follow every company around Saskatchewan.

(2000)

So this situation has to be brought to our attention, not here in the legislature but out in the fields when the dangerous situation is happening. And when that is the case, we do send inspectors out and we deal with the situation. It's unfortunate here that Mr. Greenwood

decided to go ahead and do the job that was dangerous.

And I say to those people who are still out there working — because this will not help Mr. Greenwood — but I say to those people who are out there working and in the legislature, we don't want to play to television but if it can be used as a means of advising people of their rights, then I'm prepared to do that.

I say clearly that workers should telephone our department about a dangerous situation, discuss it with us. We know that workers for the most part will not be frivolous about their request. They can phone us directly or they could discuss it with their union representative. In a non-union situation, we invite them to phone us directly. That is the situation.

I don't think you can honestly say that a four-and-a-half week investigation which was thoroughly completed and led to prosecution can be faulted in any way. The investigation was done, the charges were laid, the evidence was placed before the judge, the judge convicted. The judge levied what the judge judged to be an appropriate fine. I see no fault in the investigation. I see no fault in our department.

It would be different if we were called and we didn't do anything, or we were advised of the situation and we didn't do anything. When we're not advised of a situation, you can't expect the civil servants of Saskatchewan to anticipate where there may be a breach. They do spot investigations, spot checks, but that is a spot check. It's not a thorough check of every particular site.

Unfortunately these accidents happen from time to time. We had a recent example at the Shand power plant in Estevan where the trailers were parked a long way away from a crane. If you saw the pictures — they were quite clearly presented in the newspaper here in Regina — while they were a long way away, another 35 or 40 feet would have been the appropriate length because that boom was long enough to kill and injure workers.

Again, the workers have to give us some indication that there may be a danger and we can have our inspectors out there and move cranes and change work practices. Those are the kind of things that we are prepared to do, and you cannot say that we are lax in enforcement.

For example, my department ruled against the Department of Justice on a recent ruling with respect to occupational health and safety of the correctional centres — a clear ruling by my department against the government, not against other employees, but our department ruling against the government itself, saying that there had to be some changes made, and the details of that will still have to be worked out.

So we have tried to be fair in this and taking our responsibilities seriously. This government has only two lawyers, and one of them is the Minister of Justice and I happen to be the minister responsible for occupational health and safety. And I try to treat this department in the same professional manner as the Minister of Justice treats the Department of Justice in that there are professional people there who have to use their discretion, make

decisions. And I will not do any political interference with respect to the professional judgement of the workers in this particular department.

Mr. Hagel: — Mr. Minister, if enforcing the law is political interference, then what the workers of Saskatchewan are asking for, Mr. Minister, is political interference. To enforce the law is what they're asking. Mr. Minister, if we're advising workers of their rights this evening and that's part of our objective, then please, Mr. Minister, let's do it correctly. It is not the right . . . It's not limited to the right of Saskatchewan workers to call the occupational health and safety branch to report a concern about occupational health and safety.

Mr. Minister, you know, or you should — I believe you do — that in Saskatchewan, workers have the right to refuse unusually dangerous work, period; not to have to report it to occupational health and safety. They have the legal right in this province to refuse unusually dangerous work, period; to report that to the occupational health and safety committee; and are not required to go back and engage in that activity until it has been checked and either remedied or shown to be not unusually dangerous. That's the law. That's the right of every Saskatchewan worker in our province. So please, if we're going to use this forum to advise workers of their rights, let's advise them correctly of their rights.

Now you say, Mr. Minister, that your department can't go out and prevent accidents by following workers around. What a cynical way of saying, Mr. Minister, that this change to regulation 249 is acceptable to you. Because you see, Mr. Minister, had you not deregulated regulation 249, had you not removed the requirement that your department would go out to the site, would look at the crane, would look at the man bucket and would investigate it, and then would rule it to be safe to use or require that alterations be made, Mr. Minister, that was the regulation that your department eliminated. You took that regulation out.

It was required until October of 1988 that your department went out and investigate that bucket before it was used. And then in October of 1988, without consultation with industry, without consultation with labour, you deregulated that regulation, and in March of 1989, arguably, a Saskatchewan citizen paid the price for your government's deregulation of occupational health and safety. And that's the fact of the matter, Mr. Minister.

So when we're advising workers of their rights, let's advise them of what their rights are and do it correctly.

And so I ask you, Mr. Minister, I ask you why it was, why did your department undertake this deregulation without calling a single meeting, as I understand, with those who are most actively involved with the use of swinging man buckets in industry? We have circumstances where labour, organized labour in Saskatchewan says it was not aware of the regulation change until after the accident. And obviously K-Line construction was not aware of the deregulation of regulation 249 because they approached your department to seek permission to use that bucket and were told that they didn't have to have permission.

Mr. Minister, how was this change made without reasonable consultation, without having discussions with the people most affected and directly involved in the realities of the use of free-swinging man buckets?

Hon. Mr. Schmidt: — Mr. Chairman, I wish the member opposite would stop politically grandstanding on the graves of dead workers. We are discussing here a serious situation and what we have here . . . if we're going to get into the technical wording, let me refer to the regulations specifically on page 126 in the Occupational Health and Safety Act Regulations, subsection (4) of section 25 refers to:

No employer shall require or permit a worker to be raised or lowered by any powered mobile equipment described in subsection (2) or to work from a platform maintained in an elevated position by equipment of that type unless: (and it sets out (a) to (f) the requirements that that platform shall have).

The former regulations said "without the permission of the director." And this actually puts the onus on the employer to ensure that conditions (a) to (f) are met rather than have the director get permission to do these things, whereas the director was never going out into the field and actually inspecting the crane or the platform to see if conditions (a) to (f) were being met.

When the guide-lines went out, including the labour leaders, who, I submit, did not do their homework on this or have since changed their mind, because we sent the guide-lines out, asked for opinions; nobody saw a problem with this wording change. Now you're trying to grandstand on a wording change that you think will save somebody's life when I'm telling you that this subsection is more onerous. It puts the onus on the employer to comply with this regulation and not on the director to exempt them from it or give them permission to be exempt from any part of this regulation.

The directors were not going out looking at the devices. So it was really a meaningless phrase that was there that is no longer there. It is meaningless. You're trying to make political mileage out of technical legal points. I'm telling you that under this section of the regulations that employer was convicted and fined for not following the regulations. There is no deficiency in the regulations. There is a deficiency in practice from time to time, and our department has to either be informed of that or find it on a spot check.

So without going and reading clauses (a) to (f) — I've already read subsection 4 of section 25 of The Occupational Health and Safety Act and Regulations — I am telling you that you're making much about nothing, and that if there would have been anything significant in this, your friends in the labour movement, your friends in the Saskatchewan Federation of Labour, would have noticed it and would have pointed it out to me as they point out everything that they think is a detriment either to them in the work place or to them politically. They never hesitate to point anything out. They did not in this case. I'm telling you they didn't because there was nothing significant about the change in the regulations.

And stop going into this garbage about deregulation. We have a book this thick. Look at it. Pay close attention. This is not deregulation.

Mr. Hagel: — Mr. Minister, I have the book as well. And it would serve the working people of Saskatchewan extremely well if your department would enforce the darn thing.

Some Hon. Members: — Hear, hear!

Mr. Hagel: — It may, Mr. Minister, as well . . . It may have made a difference if you would not have considered it to be irrelevant for your department to have approved, and having had to take some action to approve that man bucket.

The issue in Saskatchewan, Mr. Minister, plainly and simply is your department's enforcement of the best doggone Occupational Health and Safety Act in all of Canada. We have the best Act in Canada, but the Act is no stronger than the political will of the government to enforce it and you know that as well as I, Mr. Minister.

And, Mr. Minister, you seem to not be all that co-operative in answering my question. I find it odd, I find it odd, Mr. Minister, that those directly involved, including the contractor, including K-Line construction, were not aware of this change and sought permission to use that bucket from your department, were told that they didn't have to have permission to use it.

Let us proceed, Mr. Minister, in the handling of your department of this particular case. I want to ask you, Mr. Minister, why it was that the prosecution of your department was limited to K-Line, when K-Line reported to the Saskatchewan Power Corporation, whose safety supervisors also supervised their work. Why was the prosecution of your department limited only to K-Line?

Hon. Mr. Schmidt: — Mr. Chairman, I'm advised that we referred the charges to the Department of Justice, who made a decision on who should be prosecuted. The Department of Justice prosecuted the employer in this particular instance. We did not seek to override the opinion of Justice or their decision on who they should prosecute.

(2015)

Mr. Hagel: — Mr. Minister, I ask you then: is it not your view that under The Occupational Health and Safety Act, that SaskPower is responsible for their subcontractors?

Hon. Mr. Schmidt: — That's a legal question that would have to be decided by courts.

Mr. Hagel: — Mr. Minister, it looks to me as though it's fairly clear in the Act. What you're saying is you don't have an opinion on that matter?

Hon. Mr. Schmidt: — Mr. Chairman, section 14 refers to a requirement that the subcontractor be at the work site. In this particular case, the work site was not at SaskPower but out in the field, on field, so to speak. And Justice was

of the view that while the regulations put some onus on the contractor or the general contractor or the owner, that upon our examination of the Act and regulations, the advice we have — and I concur with it — is that it is questionable whether the regulation, as now printed, is based on the authority of the legislation, that being the Act.

And under the proposed amendment, we intend to strengthen the regulatory power in the Act so that this legal question of whether the regulation is within the jurisdiction granted by the Act will be resolved. But at present, without the amendment having taken place, and the instance you refer to, the decision would not be retroactive nor would the regulations be retroactive.

I am advised that it's questionable whether that regulation would stand in a criminal trial where the regulation is based on a statutory authority that, in our opinion, is unclear as to whether that regulation has sufficient statutory authority with respect to the proposition that you have put before us here.

So as I indicated, that would have to be a legal decision, depending on how a court would rule. In this particular instance, it is apparent that Justice saw fit to charge the employer rather than a general contractor, and that Justice had some concern. As I have relayed to you here, I concur with their concern and I am proposing that the new Act, when it is passed and brought forward here, will remedy this potential legal situation which, I suppose, in layman's language, would be called a technicality.

Mr. Hagel: — Mr. Minister, occupational health and safety is all about protecting the health and the safety of working people at work. Unfortunately, Mr. Minister, when taken to its extreme, the ultimate violation of occupational health and safety, in personal terms, is when working people in Saskatchewan lose their lives.

Mr. Minister, I have in my hand a document entitled *1989 Safety and Occupational Health Annual Report* by SaskPower, dated February 15, 1990. In reading the foreword of this document, Mr. Minister, I will quote to you the beginning of the final paragraph which makes reference to, in 1989, the impact of the ultimate extreme for working people who work for contractors to SaskPower. And I quote:

Although contractor accidents are not included in our SaskPower Safety Report statistics, it should be noted that in 1989, there were 5 workers killed while doing work for contractors of SaskPower.

Mr. Minister, as minister responsible for occupational health and safety in Saskatchewan, I ask you what you, your department, intend to do about this statement in the 1989 SaskPower health and occupational safety report?

Hon. Mr. Schmidt: — Mr. Chairman, our department has had discussions with SaskPower with respect to the safety record of their contractors. SaskPower has had a reasonably good safety record and they are doing several things. They have amended their contracts to put them in a position to terminate contractor's contracts where they violate or are not following safety regulations. So

SaskPower has taken the matter seriously and threatened and will cancel contracts where safety regulations are not followed.

SaskPower has undertaken to our department to try to impose safety programs on their contractors. They're taking this situation very seriously. Of course SaskPower contracts out construction work which is inherently more dangerous than the maintenance work that their regular workers are doing, and so it would be the more dangerous work that is being contracted out.

We don't find the five deaths to be acceptable and have dealt with SaskPower on this particular topic. We expect that their contractors will have a better safety record. SaskPower insists that they follow safety regulations and the government insists that they follow safety regulations.

Mr. Hagel: — Mr. Minister, I urge you to continue to press SaskPower to act with some diligence in ensuring that their contractors, Mr. Minister, will be providing substantially greater attention to occupational health and safety. Obviously the prices that are being paid for the attention, in recent times, Mr. Minister, the prices that are being paid are far too extreme and certainly unacceptable.

Mr. Minister, going back then to the K-Line case, it was, as you pointed out earlier, a decision of the court to impose a \$7,000 fine for their violation of The Occupational Health and Safety Act.

And I want to ask you, Mr. Minister, whether you believe that, as minister responsible for the Act and the enforcement of the Act and all that that takes, whether you believe that this \$7,000 fine which, as I understand it, is the largest fine in the history of Saskatchewan, whether that was sufficient given the circumstances and whether that level of fine would act as a deterrent to other employers.

Hon. Mr. Schmidt: — Well, Mr. Chairman, I'm not going to, in the legislature, second guess the judiciary. I represent here two out of our three elements of our British parliamentary system. I am a member of the Executive Council and a member of the legislature. I'm not a member of the judiciary. I don't intend to interfere in the way they do their job, so I will not comment on the adequacy of the fine.

The only option I have as a member of the other two, Executive Council and the legislature, is to change the law, and we are proposing changes to The Occupational Health and Safety Act. The committee has reported. We are working on drafting amendments that will implement those reports. And when those amendments are brought before the legislature, then the opposition will see what we have to say with respect to fines. And that is the only way that I can comment or send messages to the judiciary.

Mr. Hagel: — Mr. Minister, and I would say to you that that's the most appropriate way for you to send a message, not just to the judiciary — in fact, least of all to the judiciary — to employers who have responsibility to respect The Occupational Health and Safety Act is more

to the point.

Mr. Minister, you refer to the review of The Occupational Health and Safety Act and the report of the council in September of '89. And I'd just like to read into the record, before asking you my next question, Mr. Minister, the bulk of the section entitled, "Enforcement, Penalties, and Other Sanctions." And I quote from the council's report of September '89:

The Council recognizes the need for increased penalties to encourage employers and employees to take action to improve occupational health and safety, and to encourage compliance with the Act and regulations by making the risks and costs of non-compliance unacceptable. The Council believes certain actions leading to serious injury or death should result in fines and prison sentences comparable to those imposed for criminal negligence.

The present legislation (Mr. Minister, the one enforced now) establishes maximum fines of \$10,000 with a limit of \$5,000 for a first offence, as well as \$500 and \$1,000 per day for continuing offences. A person found guilty of an offence may also be imprisoned for up to two years.

The Council debated, at length, the optimum level of fines. Although there was consensus they should be raised significantly, the Council was unable to agree on a specific amount for the maximum fine but believes it should be in the range of \$250,000 to \$500,000.

Now, Mr. Minister, you say that you're reviewing the Act in light of the recommendations from the council. And the council is recommending not just minor increases in the maximum fine under the Act but, as a matter of fact, is recommending very, very substantial increases as an incentive for employers to follow the Act.

(2030)

Now, Mr. Minister, I then wish to ask you whether you will be amending The Occupational Health and Safety Act and specifically the committee's recommendation regarding penalties to the Act; whether it will be your intent to follow the committee's recommendation or something close to it. If it's something close to it then, Mr. Minister, I would appreciate, and I know a large number of working people in Saskatchewan would appreciate some indication of just exactly what you're intending to do.

Hon. Mr. Schmidt: — Mr. Chairman, we intend to amend The Occupational Health and Safety Act. We intend to increase the fines; the exact amount has not been determined. I intend to confer further with the occupational health and safety committee before we finalize the Act and then we will be bringing in amendments and, as indicated, intend to increase the fines.

We will discuss further matters with the occupational health and safety committee. I intend to reconvene them

to submit further questions to them for their consideration before the final Act is brought before the legislature.

Mr. Hagel: — Mr. Minister, when do you intend to bring amendments to the Act before the legislature?

Hon. Mr. Schmidt: — Well I intend to bring them at the earliest possibility but certain matters have arisen that are causing a delay and therefore I would expect that it probably wouldn't be until fall.

Mr. Hagel: — Mr. Minister, I would ask if you would confirm for me, that The Occupational Health and Safety Act in the current regulations — and you may be considering reviewing these; in fact, I assume that you are — that the current Act and regulations under the Act, do not deal with qualifications for the operation of cranes on job sites, with the qualifications for operation of cranes.

Hon. Mr. Schmidt: — Mr. Chairman, certification of crane operators is one matter that we are considering. We are trying to work with apprenticeship to come up with an apprenticeship program. We feel there would be a lack of certifiable crane operators at this time. If we could come up with a compromise so that our existing crane operators could meet those standards that we will set, we will set the standards very high.

So we were looking at certification. It's a matter of being fair to the existing workers who have been out there and are experienced but would have to take some sort of additional training, and we have to establish that kind of additional training so that they have the opportunity to qualify as certified crane operators.

So it is something we are considering. The industry is amenable to the idea. The crane operators have requested that and it's something we're trying to put together.

Mr. Hagel: — Mr. Minister, I would concur that the industry, crane operators as well as business, those who are both employed as well as employers, have a concern and would, I believe, by and large, the large majority would support the requirement that crane operators must meet the qualifications.

Mr. Minister, is there a reason that at this point in time — as a matter of fact, there is in occupational health and safety absolutely no requirement for training for occupational health and safety, for qualifications of having completed and having some defined ticket — is there a reason why we don't have that right now?

Hon. Mr. Schmidt: — Mr. Chairman, over the years we've never had that kind of a training certificate in Saskatchewan. Over the years it may not have been as necessary because there wasn't that much construction. But recently we have more large projects under construction, and it's something we now have to consider.

Mr. Hagel: — Well, Mr. Minister, I encourage you to do more than consider it, but to follow through on your thoughts and to implement a basic qualification for crane operators.

Mr. Minister, occupational health and safety regulation 212 requires that as of January 1 of this year that a load gauge must be operative with any crane that has a rated load of 15 tonnes or more.

Mr. Minister, as I've talked to people in industry, again, both employers and crane operators as employees; number one, it's virtually universally welcome that the load gauge is required. But I've received a number of questions, Mr. Minister, as to why 15 tonne, when in fact British Columbia has a limit requiring the gauge for 10 tonne. And, in fact, I've talked to more than one employer in Saskatchewan who would promote weight gauges, Mr. Minister, of five tonne; that that would be the requirement in the province of Saskatchewan.

When this regulation was set and became effective as of January 1 of this year for all cranes, why the limit of 15 tonnes? Why not 10? Or as a matter of fact, not even 5 as is suggested by some in the province?

Hon. Mr. Schmidt: — I'm advised, Mr. Chairman, that British Columbia in effect does not have such a regulation; that British Columbia is considering a regulation; that Saskatchewan is the first place in Canada that has this type of regulation. We felt we would start at 15 tonnes to get the principle established and then work our way to 10 and lower. Because we were first in Canada we had to break new ground and we started with the cranes that were giving us the most problem, the larger high-capacity cranes. And we are the only place in Canada that has these kind of crane requirements under section 212(1) for the determining of the weight load. And I recall — as I indicated earlier, I've been minister for five years — I recall Mr. Lutz, Lutz, as we say in the part of Saskatchewan that I come from . . . Mr. Lutz is from Winnipeg, and has extensive experience in cranes, and he came around several years ago to lobby me with respect to crane safety.

We then implemented some of his suggestions and we've gone further than anywhere else in Canada on this particular regulation, so it gets us back to your argument that our regulations are lax. They are not. They are as tight and as regulatory as any regulations in Canada considering our local requirements in Saskatchewan.

Mr. Hagel: — Well, Mr. Minister, if we enforce them in Saskatchewan then we will have something.

Mr. Minister, you referred earlier as did I, to the occupational health and safety review, which was conducted last year. Last August 22 in this House, you made a commitment in the Assembly to provide to me a list of all those people and organizations who presented briefs to this committee. In fact if I remember correctly it was within a few days as you said.

I still await that, Mr. Minister, and I would assume that we're over 300 days, that we're at least a few by now. And I would still welcome that as you committed in estimates of last year, Mr. Minister. You also committed in the same question as a matter of fact that I put to you in estimates, to provide for me a copy of the report when it was ready, and I still await that as well, Mr. Minister, although I've

managed to get a copy from other sources.

However, setting that aside for the moment, Mr. Minister, I want to raise with you a question as to . . . now that the review has been done and the report has been made — the review unfortunately being done largely in private, not public — but the report has been made. So the obvious question is: what will come of that report? What effect will it have? You've said that you're currently reviewing and possibly this fall that you may be introducing some changes to The Occupational Health and Safety Act as a result of the recommendations from the council.

Mr. Minister, many of the recommendations are quite serious and important. They refer to things as a lack of enforcement of the Act by the branch. It should be no surprise that as Labour and Employment critic, I'm asking you some of the questions I'm asking tonight. That point was made loud and clear by the review of the committee and its recommendations of the occupational health and safety council. As they said, there's a lack of enforcement of the Act by the branch. I assume that that's partly why you have decided to increase the staffing in occupational health and safety, and with that I agree and concur.

You said as well, Mr. Minister, that there is declining worker involvement and participation in work place health and safety and that the worker's right to refuse dangerous work has been reduced. That seems to be somewhat obvious to me even earlier in these estimates here tonight when you were recommending that what workers should do is call occupational health and safety when, as a matter of fact, according to their rights by law in Saskatchewan, they need only to refuse to do unusually dangerous work on the job, period.

Obviously, Mr. Minister, if there is confusion in this Assembly by those of us who are assigned legislative-related responsibilities to deal with this Act, there's no wonder that there is confusion in the minds in Saskatchewan workers about their right to refuse dangerous work, and that's exactly what the report said.

It said as well that there's a lack of meaningful education for workers. It said that penalties and enforcement measures are inadequate, and we've talked about that already. The report also, Mr. Minister, said that there's a rising accident rate in small business and a neglect of occupational health and safety in agriculture. It recommended some educational initiatives in that regard.

Now, Mr. Minister, you've already advised me that you're intending to act on these recommendations perhaps as early as this fall. You say there is a snag, I know not what. But I ask you, Mr. Minister, upon which recommendations of the council do you intend to act, and what proposals do you have for positive change?

If you want to just address the first question first, that's fine with me. But as you review that report and your officials review that report, they obviously say that by and large the occupational health and safety remedy in Saskatchewan is not legislative action related but it's administration related. That that's where the real need to

improve the protection of the workers, their health and their safety on the job, that's where the focus must lie.

So, Mr. Minister, as you review that Act, what do you see as the priorities, and upon which kinds of recommendations — as specific as you could please — do you intend to take some action?

Hon. Mr. Schmidt: — Mr. Chairman, first of all with respect to commitments I might have made last year, I always keep my word if I can remember it. We will check *Hansard* and see what commitment was made and we will try to live up to that commitment. The report is a public document now. We are in a process of drafting amendments to the Act.

And you keep complaining that I have indicated in this Assembly that workers can call up my department. I did not say that they . . . There is a no law that says they can't refuse to do dangerous work. But what you're insisting on is that they should have confrontation; they should throw up their hands, throw down their tools, decree we're not working any more, and sit there and see what happens. I mean, what we are suggesting is that the workers have that right, but we are also going beyond that. I am saying, call our department, get a clarification of your rights, get information, report the situation to our department, seek the advice of our department, ask for an inspector rather than confrontation immediately. If at all possible, things should be worked out.

(2045)

If it's an instant situation, yes, you know, if you're close to a telephone. But we encourage people to phone our department and seek our advice. Report to us dangerous situations. So why do you insist on saying, there is a law and that we don't understand there's a law. We know perfectly well what the law is. We're going above and beyond the law in saying that we will assist workers in working out these problems. So don't try to distort the situation. We know what the law is. We are trying to assist workers.

I have given the commitment here that workers should phone our department and we will assist them in those manners: information, enforcement, advice . . .

An Hon. Member: — Education.

Hon. Mr. Schmidt: — Education. You use the word education. Workers are not experts in occupational health and safety law and we're prepared to give them that information by simply having them phone and ask a question. You know, they can come home, call our office whenever — at noon or whenever they get time off or whatever — they can go to the company phone and phone us and say, here's the problem. What should I do? I mean, we're not withholding that kind of information from them. We encourage them to seek it.

With respect to occupational health and safety changes, we are prepared to enact most of the recommendations of this particular report. And for you to ask me the details of what will be in the amendment Bill before the draft is complete, I can't give you those details. I can say most of

the recommendations we are prepared to implement into law. I want to confer further with the committee before we finalize the last draft of the Bill, but we've already made some policy changes that are recommended. For example, we've increased the expenditure on occupational health and safety by \$726,000, and six people. We have added a farm safety program enhancement of \$150,000, and one additional person.

We have occupational health officer training program which has been implemented, which we didn't have before. We have an information education unit forum to monitor and resource industry training programs, enhanced education program for committees, assist small business; and for that we're putting two person-years in. We find that small business is an area that we have to spend more education and enforcement in because we're not reaching the smaller businesses and their safety record is not as good as the big business.

And we've put in an Informatics program development to assess and improve statistical data with workers through the Workers' Compensation Board. We're monitoring the committee's activities to see how successful they are in their occupational health and safety activities. We're prioritizing high risk or poor performance employers so that we are inspecting them more often. We're getting that information through workers' compensation claims costs.

We're having quarterly meetings between Workers' Compensation Board and the occupational health and safety branch to compare their injury statistics with occupational health and safety. So these are a lot of policy changes that we've made already as a result of this particular report being turned over to our department. We are now preparing a draft of the legislation.

I will confer further with the Occupational Health and Safety Council. We will complete the final draft and then we'll bring forth the legislation. So I submit that we are making constant improvement.

I'm also the minister responsible for the Workers' Compensation Board. So there's a synergy there where my department deals with the same minister as at Workers' Compensation Board and we are taking every effort possible to improve the safety record in this province. And the safety record in this province has improved year after year after year. And there may be a glitch where there's a bad year for a large accident, or two or three things that happen in a particular year but if you look at the trend line the fatality rate and the injury rate are down.

Now that can be verified by workers' compensation statistics. It can be verified by having the lowest rates of workers' compensation in Canada and the highest benefits. That is in part due to the safety record and in part due to prudent investment by the Workers' Compensation Board.

And I will give credit here: the credit goes to myself, to my predecessor, to your government ministers, to the Liberal government ministers, and to the Douglas government ministers before that, and the Gardiner government

ministers before that, and the Patterson government — all three political parties when in government have run the Workers' Compensation Board quite efficiently, have constantly improved upon it, and it is now a model for the world. And I have visitors . . . I've had visitors from New Zealand, visitors from the United States, I have spoke to people in Europe, and our Act and our board as a model and clearly, while we may not be perfect, we are certainly respected world-wide for our compensation and for our health and safety record.

Mr. Hagel: — Well, Mr. Minister, you touched on a large number of topics and we'll proceed dealing with a number of those.

People will understand, of course, Mr. Minister, that when it comes to workers' compensation, occupational health and safety, that the strength of what we got in Saskatchewan is the legislation. Legislation that came in, I may add, under a New Democrat government.

When they look at the implementation of those Acts and the administration of those Acts, and you go back to the 1986 workers' compensation review, 80-85 per cent of the recommendations related to administration, not to legislation. The same is true as well, of course, in the review of occupational health and safety, Mr. Minister.

And so I would certainly admit that your government inherited a couple of fine Acts, excellent Acts, not without need for some improvement. But, Mr. Minister, your attention to making those Acts work, to administer them in the spirit of the Act has been something less than famous, Mr. Minister, and certainly has room for improvement.

And I welcome your comments about the additional staff in occupational health and safety. I welcome your comment that you will be intending to respond to the large majority of the recommendations from the occupational health council, Mr. Minister.

But I just can't let pass your one — I hesitate to use the word goofy, Mr. Minister — comment, but I can't think of a better word right at the moment. You know, what's goofy is that we're standing here debating the legislation when we both know what the legislation is. You and I both know that the legislation in Canada says that a worker being required to do work that he or she considers to be unusually dangerous has a right to refuse, on the spot.

An Hon. Member: — Agreed.

Mr. Hagel: — The minister says he agrees; so far we're in this together. Mr. Minister, I'm of the opinion that that is not a right that is used mildly or frivolously by Saskatchewan workers. The track record indicates that, Mr. Minister. But somehow, when to suggest to Saskatchewan workers that it is an extension, in fact it is even better to refuse work that they believe to be dangerous at the time, that somehow it's even better to keep doing it and to find a phone somewhere and to call your department and talk to them. Mr. Minister, somehow there's a leap of logic that took place here. My goodness gracious, if they were making that phone call by

cellular phone, judging by recent reports in the media, the Prime Minister's office would get the message before you got it.

Mr. Minister, obviously what there has to be is an assurance to Saskatchewan workers that they do have the right to refuse dangerous work. Mr. Minister, we both know that the Act works best when it's being followed. And we all know as well that the Act requires that all employers with 10 or more employees is required by the law — required by the law — to have an occupational health and safety committee: an occupational health and safety committee which has at least co-chairpersons; at least as many members on the committee; and at least as many chairpersons on that committee for the workers as well as for the employers; that has the responsibility of ensuring that there is occupational health and safety education.

Your department has a responsibility to assist in that. Your department has a responsibility to provide information about the Act and regulations. Your department has a responsibility to assist in the education, to provide follow-up to the meetings of those minutes.

Mr. Minister, therein lies the problem, therein lies the problem. The Occupational Health and Safety Act requires that a good number of work places in this province with 10 or more employees have to have an occupational health and safety committee, and they don't because your department is not requiring them to follow the law.

Now the best way to deal with an accident, Mr. Minister, is to prevent it. Preventative remedy is much more desirable from everybody's point of view, than corrective. It's less painful. In fact I would argue, Mr. Minister, it is less expensive. I've seen research which suggests that a dollar put into accident prevention into occupational health and safety can be proven to result in \$10 of saving in dealing with the consequences of accidents. So it's not just in workers' best interests, it's in employers' best interests and collectively in our society, Mr. Minister, it's in all of our best interests.

Now, Mr. Minister, I would ask . . . you made some reference to the number of people working in your department and you've pointed out — I believe you pointed out; it's in the budget document — that with the increase of six this year, we will now be up to 51 employees in occupational health and safety — exactly the number that you inherited in 1982-83 when you came to government — 1982-83, the budget document showed 50.7 employees in occupational health and safety.

We both know that it dropped in 1984-85. It dropped the first couple of years down to 37.7 and has now been increasing and I compliment you for increasing it by six this year to 51, which gets you back to where you started. That's where you're at now, Mr. Minister.

And I would ask you, Mr. Minister, if you would tell me how many occupational health and safety officers your budget this year allows for. And, Mr. Minister, with respect to the work-load of those officers, how many

work places are assigned to each of them?

Hon. Mr. Schmidt: — Mr. Chairman, there are a total of 21 people in inspections. The manager is a mines inspector, a manager of the safety unit. There is in Regina an assistant manager plus seven officers; there is in Saskatoon a senior occupational health officer plus six officers; there's one stationed in Prince Albert, and there are four additional officers in mine safety.

Mines is one area that have over the years been considered quite unsafe, and so we have four officers dealing with mines — that's uranium, potash, coal, all the mines in Saskatchewan. In total there would be 21 of them out for the industry in general in Saskatchewan . . . (inaudible interjection) . . . Pardon?

With respect to cranes, I'll get you the answer. I know I have some information on that.

(2100)

Mr. Chairman, let me add to that answer about the 21 inspectors. There are an additional 6 information and training officers who go out and do educational work but are not actually occupational health and safety inspectors but do educational and information work.

With respect to cranes, as long as I've been the minister we did not have an expert in cranes. Effective January 1, 1990 we hired an individual — I don't suppose I should give his name, it doesn't matter much — an individual who for 25 years was in the crane business in Saskatoon, 25 years experience, and is a certified crane operator.

Effective January 1, we have an experienced crane operator, and more expert than we've ever had in our department, and this is the individual we dispatched immediately to the unfortunate crane accident at the Shand power plant. And then we have an experienced occupational health and safety inspector with respect to cranes.

As a matter of fact, when we heard of the accident our director instructed this individual, who was on a day off, to immediately charter an airplane and fly to Shand and immediately take charge of the site. That was done. That investigation continues and we anticipate the report will be available in two or three weeks, two weeks probably, the final report will be available. They've gathered their information. I'm advised they expect to have the report completed in the middle of July. What the department has done is they've gathered all the information; they have to compile the report.

There is a complication which I would think is a good complication, and that is an indication there will be a coroner's inquiry, an inquest. I at one time was a coroner, I know how these things work. It is my opinion that since there is a coroner's inquest that the report should probably be held pending the coroner's inquest, because as a result of the coroner's inquest other things can happen. I know that if charges are laid in a court, then that supplants the coroner's inquest again.

So while the report will be ready in the middle of July, we

will have to look at the legal options on the report with respect to how it would affect the coroner's inquest. We would make all of that information available to the coroner on the inquest, to call the witnesses, to have all the information that we have available to the coroner. With respect to publishing the report or releasing the report, we have to check the legalities because we are now in a coroner's inquest situation.

Mr. Hagel: — Mr. Minister, when making presentation to the occupational health and safety review committee, it's my understanding . . . I can't document this, Mr. Minister, because you haven't sent me the list of the presenters so that I can ask them all for copies of their presentations.

By the way, that was August 22 in *Hansard* last year where I made that request, and I'm sure that you'll follow that up. I'll try and find the page number here and shoot it over to you so it'll be easy to find.

Mr. Minister, it's my understanding though that a good number of the presentations express their concern about it being difficult, more difficult than it had been in the past, to receive copies of the Act and the regulations. That seems to me to be fairly basic. Those are government produced documents, Mr. Minister. Will you be taking some action to make those more available, more readily available and without charge to occupational health and safety committees?

Hon. Mr. Schmidt: — Mr. Chairman, the Act and regulations are available. I understand there is a cost of 6.50; we pay the postage and handling on them. They're available from the Queen's Printer, from our office here, and the office in Saskatoon. They're a considerable cost in putting out all of this material, and in order to be fair, the cost of — I think I showed it to you earlier, it's actually a book — that there is a 6.50 charge.

The government has a deficit which we are trying to address, and so, therefore, we are trying to restrain our printing and publishing budgets. And this department has been coming in on budget the last few years — as the departments that I am in charge of have been in a habit of doing recently — and we don't intend to change that.

Mr. Hagel: — Mr. Minister, I've heard them all now; the explanations you're addressing, our deficit. When we're paying \$500 million this year alone in interest on the deficit entirely created by your government, I find it odd, Mr. Minister, that we're fighting the deficit by charging \$6.50 for a copy of the regulations of The Occupational Health and Safety Act.

When we're saying that it is a major concern that workers' will become more informed of their rights for occupational health and safety protection, as well as employers for their obligation, that it would seem to me, Mr. Minister, that it would be \$6.50 well spent by the taxpayers and I would not recommend that this be one of the primary tools used to fight the massive debt created by your government.

The page number I referred to, for the information of your officials, Mr. Minister, I believe, it's at the bottom of my copy here, I believe it's 4339 of *Hansard* of last year.

Now, Mr. Minister, I would like you to advise me, if you would, how many employers were fined in 1988-89, and what was the total amount of those fines consequent to The Occupational Health and Safety Act?

Hon. Mr. Schmidt: — Mr. Chairman, we don't have the information available today, but the department is prepared to make a calculation and send you the information.

Mr. Hagel: — And, Mr. Minister, would you do that along with the information you committed earlier?

An Hon. Member: — And last year's.

Mr. Hagel: — And last year's, yes. If I can get last year's promise and this year's promises and we can have all those by the end of the week, that would be just dandy, Mr. Minister.

Mr. Minister, you and I both know that The Occupational Health and Safety Act requires all employers with 10 or more employees to have an occupational health and safety committee which will meet at least, I believe, it's quarterly, Mr. Minister.

My question is: how many employer situations — and I recognize that sometimes there's a bit of a grey area as to whether it's when you have one employer with a number of sections, whether that's all one occupational health and safety Act, or they should be separate — but in the view of the branch, Mr. Minister, how many employer occupational health and safety committees should there exist by law? And how many in fact even exist, never mind whether they're operating and meeting regularly?

Hon. Mr. Schmidt: — Mr. Chairman, there are 2,580 committees in existence in Saskatchewan. If there are any that don't exist, so to speak, where there should be a committee and there isn't one, we welcome the member from Moose Jaw giving us the information and we'll see into the matter and make certain that where they should be, they will be established.

Mr. Hagel: — Well, Mr. Minister, as per the Act, I would encourage your occupational health and safety officers who are doing their spot checks to visit those employers and to ensure that there are occupational health and safety committees in existence and operating. That's not terribly difficult to verify. Minutes from those meetings are supposed to be submitted to your department and reviewed. There are some questions as to whether that actually happens or not. But this is not a difficult task to do. And I would encourage your occupational health and safety officers to in fact do some checking and to ensure that those committees exist in all those work places in which they're required by law. And you and I both know, Mr. Minister, that there are far too many employment circumstances and locations where committees should exist and don't.

Mr. Minister, I picked up a copy of the 1989 *Sixtieth Annual Report* of the Workers' Compensation Board, and I turned, Mr. Minister, to page 11 of that report and it just about blew my mind. Mr. Minister, what I noted was that

in 1981 there were 1,012 claims settled for permanent disability — 1981, 1,012. It then indicates, Mr. Minister, that since 1981 there has been a steady decline in the number of permanent impairments claims settled, to the point where in 1989 — this is almost unbelievable, Mr. Minister, in fact I'd say it is unbelievable if it wasn't officially published in the records here — in 1989 there were 91 permanent disability claims settled.

Mr. Minister, from 1,012 in 1981 to only 91 in 1989, that, Mr. Minister, is a drop of 91 per cent. Or in other words, Mr. Minister, last year the Workers' Compensation Board found it appropriate to settle, to provide, only 9 per cent permanent disability claims as compared to the number in 1981.

Now, Mr. Minister, I asked this question because I have absolutely no idea what in the world has changed to cause in 1989 for there to be only 9 per cent of the number of permanent disability settlements with injured workers in the province of Saskatchewan over the course of the term of your office. And, Mr. Minister, as I said before, and you will verify this by looking at page 11 of the report as I am, that there has been a steady decline throughout the year that your government has been in office.

Mr. Minister, to say that this decline is unusual is a drastic understatement. And I ask, Mr. Minister, for your serious explanation as to this 91 per cent reduction in settlements for permanent disabilities.

Hon. Mr. Schmidt: — Well, Mr. Chairman, to quote my grandmother: "Papier ist geduldig." And I will supply the members opposite with a translation, which is not always a courtesy that we get on this side. And the translation of that German expression is that: paper is docile, you could train it to do what you want.

And the member opposite here goes back to 1981. And let us give those reasons for the discrepancy, and there's a combination of matters. First of all, you have a backlog which we no longer have. Secondly, you've changed systems in 1979. Probably you had a backlog when you changed the system from 1979 to 1981, and when you changed the system you went from a specific injury type chart which was referred to in the industry as the meat chart — so much for a broken hand, so much for a lost limb. And this province went to a rehabilitation system.

When you go to a rehabilitation system you're not going to have statistically as many permanent settlements because you're going to continuously pay people while they are being rehabilitated. In addition, injuries are down. That will be reflected in statistics at workers' compensation. So you've taken a statistic from 1981, you've taken a raw statistic from 1989, and you've said, therefore because this happened in 1981, this is the cause of it.

(2115)

And you have to take into account there may be five or six factors involved in a change in statistics. You are not comparing the same kind of settlements. You're not even comparing the same Act because you're looking at a

backlog from an old system that didn't work that other provinces are now throwing out.

I commend your government at the time for throwing out the old system and bringing in a new system. We have constantly made improvements on that system. Other provinces are following that system. I would say you've quoted for us a raw statistic, and it is very raw: Papier ist geduldig.

Mr. Hagel: — Well, Mr. Minister, I too learned some German phrases when I was a young lad growing up but I won't repeat any of them in the Assembly here, Mr. Minister.

Mr. Minister, accepting your argument here then, let's compare to '82. That's okay with me. In 1982 the report shows that there were 36,942 claims in total; 1989, 33,319, a drop of some — quick mathematics in my head tells me — 3 to 4 per cent; 1982 says 592 permanent impairments; 1989, 91, a drop of — quick mathematics in my head — some 85 per cent. Total claims down 3 per cent; permanent disabilities down 85 per cent.

Mr. Minister, if that's your definition of apples to apples, okay, that's fine with me. I simply have a great deal of difficulty accepting that there's 85 per cent employment activity going on in the province today. Granted, there is less activity going in the province today, I grant you that; that's been one of your government's great contributions to Saskatchewan, is less employment. I suppose one of the consequences of that, the only good news on that, is that there's less injuries of working people because they've got less jobs to get injured at.

Without getting into that form of argument for the moment, Mr. Minister, comparing in your terms then apples to apples, how do you account for a 3 per cent drop in the number of claims in total, and an 85 per cent drop in permanent disabilities, other than to say that there's some harsher interpretation of the eligibility for injured workers in Saskatchewan, for permanent disability, under the workers' compensation administration?

Mr. Minister, is it possible to give it any other interpretation than that?

Hon. Mr. Schmidt: — I'm not going to get into a debate on raw statistics based on flaws in logic. I mean, it's like saying, last year 150 trees fell on people, causing death. Conclusion: trees are dangerous; therefore we should cut down all trees. I mean, there are flaws in logic. You have to look at all factors. You are not looking at all factors. You are isolating statistics picked out of here, and a statistic picked out of there, and coming to conclusions that have nothing at all to do with it.

I've given you five factors that have to be considered. There's no need to repeat them. I'm saying, let's not get into mathematics off the top of your head. Let's not get into comparing an old Act, backlogged with a new Act, in a new system where injury is down, and say, therefore, you're not doing anything because injury is down. I'm pleased that injury is down; I'm pleased that the number of claims are down. I don't apologize for the number of

claims being down. Let's not get into false logic here. If the number of claims are down, that's good.

Mr. Hagel: — Well, Mr. Minister, we're venturing into goofiness here now. You tell me what years you want to compare. Pick the years. I'm talking numbers straight out of your report, Mr. Minister. I'm talking about your department's report of claims settled. I'm talking about your department's report of permanent disabilities. I understand those other factors. What in the world that has to do with trees falling on people's heads is beyond me, Mr. Minister. Let's not engage in frivolous debate here.

Mr. Minister, when I look at this, the stark conclusion and the one that I'm afraid is the major factor in this is not what has been happening by attention to occupational health and safety, because I get around this province. People are not saying . . . I'll tell you, of the things that they're saying to me there's one thing that I have never yet had a single living soul other than yourself, Mr. Minister — and only through implication from you — I have never yet had a single living soul say to me that the attention to occupational health and safety is way up; it's being enforced according to the Act. Not a single person has ever suggested occupational health and safety in this province and to your government has been enforced according to the Act and therefore the number of permanent disability settlements is down because of this determined effort on the part of your department to enforce the Act.

Well, Mr. Minister, you're obviously not . . . well maybe I won't make the assumption. I'll give you one more opportunity to provide to me and the people of Saskatchewan, injured workers of Saskatchewan most significantly, an explanation as to why this dramatic drop, without leaving people left with the only obvious conclusion, and that's that The Workers' Compensation Act and the benefits subscribed to that Act are being provided with a different kind of spirit than was previously the case. And a spirit, I would add, Mr. Minister, that's less sensitive to the injuries of working people.

Hon. Mr. Schmidt: — Mr. Chairman, NDP logic can be hard to understand at times. Let me try to explain this for the member. Page 10 of the report of the Saskatchewan Workers' Compensation Board, they wrote three lines that compare 1987, '88, '89. I don't have statistics that go back to 1981. If you'll look at the trend in that document it is as follows: total claims 1987, 36,735; total claims 1988, 35,915; 1989, 33,319; Everybody can see that the total claims are going down, the number of injuries are going down over that three-year period. Fatalities in 1987, 27; 1988, 23; 1989, a bad year, it ballooned back up to 36. Now I have no explanation why 1989 was a bad year. Some things have to be left to God to decide. We are making constant effort to keep that statistic down, fatalities.

But then look at the next line — permanent impairment: 1987, 32; 1988, 110; 1989, 91. Temporary impairment: 1987, 15,354; 1988, 15,075; 1989, 13,706. No time loss accidents: 1987, 21,272; 1988, 20,707; 1989, 19,486. It is now clear for everyone to see that there is a general trend, fatalities going down. A bad year in '89 but

generally the fatalities are down, down, down every year except for '89. We don't understand exactly why. We'll see what happened.

Temporary impairment down. Total claims down. Permanent impairment down. Now if you were saying that when you were government there was much more permanent impairment, I don't see the logic of telling me that that is wonderful. I'm telling you that there is less permanent impairment, there is less temporary impairment. I submit that is good. I don't care if you think that more permanent impairment in 1981 shows that your government did more for occupational health and safety.

Quite honestly I don't see the logic. I don't think anyone else will see the logic. What logic is there in saying that when you were government, more people were permanently injured, and therefore because the number of permanent injuries is down while we are government, we are not doing our duty? We are not enforcing occupational health and safety?

Well okay, if we aren't enforcing occupational health and safety, then the employers are doing a better job, or the employees are doing a better job, or my employees going out and educating people are doing a better job. But for some reason, whoever gets the credit, injuries are down; permanent impairment is down; temporary impairment is down. Wouldn't you agree that that is good?

Mr. Hagel: — Mr. Minister, I would if it was. I am not saying it's desirable to have permanent impairment. Goodness gracious, let's get out of the goofy logic here. And if you want to refer to 1987-88-89, you make my case again, Mr. Minister. What I'm saying is, when a worker is permanently disabled, the worker should have a permanent disability settlement. Now there's an odd notion, it would seem, to some on that side of the House, that when workers are permanently disabled, they should receive a permanent disability settlement.

The numbers you just quoted to me, Mr. Minister, make my case. You refer to the total claims from '87 to '89, a drop of some 8 per cent approximately. Then, Mr. Minister, you refer to the fatalities and unfortunately there was an increase of some 33 per cent, '89 over '87. Permanent impairment, Mr. Minister, a drop of some 32 or 33 per cent in permanent impairment claims settled.

You'll notice, Mr. Minister, that page 10 does not refer to claims, as you state. It refers to claims settled. You're telling me that somehow there is not reason for suspicion about the accuracy of the administration within the spirit of the legislation, when the claims settled are going down 8 per cent, but the permanent disabilities in the years you choose, Mr. Minister, have dropped some 32 or 33 per cent — claims settled. I underline the word "settled".

Mr. Minister, I don't believe for a second that there are workers in this province who are wandering around looking for an accident so that they can get themselves a workers' compensation claim. Let's get that notion out of our heads right now. What we're talking about is the way the Workers' Compensation Board deals with fairness and with sensitivity and in the spirit of the Act and the letter of the Act, with a claim from an injured worker.

Now we can continue this debate about logic and numbers all night, if you want, I suppose. And obviously we have a difference of opinion, and I've asked you to give me an explanation other than that there is a different spirit of administration in arriving at those settlements. You've chosen not to offer that to me, Mr. Minister, and so I can only conclude that there is not a defensible argument other than a different spirit in the dealing with the claims from injured workers.

Well, Mr. Minister, I'd like to therefore move to another topic because this one seems to be fruitless to deal with. I'd like to move to that mandate of your responsibility, Mr. Minister, which says the Department of Human Resources, Labour and Employment has a mandate to attract people to our province to promote in-migration.

Now, Mr. Minister, you have been accomplishing that objective in reverse spades, Mr. Minister. Because if we're getting in-migration in Saskatchewan today, they're coming in backwards. We know, Mr. Minister, when we review the records that last year in 1989, Saskatchewan suffered a net loss of some 23,705 people — approximately 36,000 who left, approximately 12,000 who came back in, and a net loss of 23,705: 1989. Second highest loss in all of Saskatchewan history, exceeded only by the right wing Ross Thatcher Liberal government in the year before Allan Blakeney formed the NDP government in the province of Saskatchewan.

We know as well, Mr. Minister, that the trend this year has not changed. So far from the January 1st to the end of April of this year, Mr. Minister, we have had a net loss — net loss — of 7,656 people, nearly 7,700 people, nearly 2,000 people a month, very close to the same rate as last year. We've gone through a third of the year and we've lost a third the number of people this year as we lost last year.

(2130)

We know since your privatization agenda was implemented with a vengeance back in 1985 that Saskatchewan has had a net loss of 70,000 people, a population equivalent to the cities of Moose Jaw and Prince Albert combined. I'm not saying 70,000 people left Saskatchewan, Mr. Minister, since 1985 — in excess of 100,000 people left — but we suffered a net loss through out-migration of 70,000 people, over half of those between the ages of 15 and 34. And there's no reason to believe, Mr. Minister, that the trend is changing this year from what we've seen so far.

Mr. Minister, you will know as well as every one of us in this House the human consequence, the human tragedy of people, and particularly our young people, leaving Saskatchewan, looking for education, employment opportunities, and to make their futures elsewhere, Mr. Minister.

I hazard to say, Mr. Minister, that there is not a single home in Saskatchewan that has not been touched directly by this human tragedy: a son or a daughter or a sister or brother, a mother or father or next door neighbour, a best friend who hasn't given up and left Saskatchewan to

make their future elsewhere. The member from . . . former minister and the member from Yorkton in debate on a private members' motion some three or four weeks ago reinforced that same point as he described his own family members who have left Saskatchewan in recent times seeking educational, employment opportunity elsewhere, Mr. Minister.

Well, Mr. Minister, you will be aware that the Executive Council some three years ago put together a forecast of the economy and the population of Saskatchewan and forecasted that time that Saskatchewan would be engaging in significant out-migration, loss of our people. Your department is charged with the responsibility of formulating strategies to attract people to our province. My goodness gracious, it would be nice if you had strategies that even kept our people here in the province, let alone attract people back, Mr. Minister, that we've lost.

And so I ask you, Mr. Minister, we're in estimates: has Executive Council put forth a new economic prediction? They've done their analysis. What is Executive Council now recommending . . . not recommending, but talking about or predicting will be the population impact in Saskatchewan over the next five years, Mr. Minister? What are the predictions?

Obviously this is a mandate of your department. You must take a look at these things. What are the predictions of your government, Mr. Minister, and what are your plans? What are your plans to engage in the responsibility you're mandated with to promote and encourage in-migration with people outside of Saskatchewan into our province?

And, Mr. Minister, it would be a jewel for me and many in this province if you would also make reference to what kinds of new strategies for creation of employment in this province you've got in mind. You are the minister responsible for Employment and economic development in this province. That is a major, major responsibility for the government. What are the plans to get our Saskatchewan people working and to carry out the mandate of your department to attract people from outside our province back into Saskatchewan, the people who have left?

Hon. Mr. Schmidt: — Mr. Chairman, if we in this province dwell on the problems without any vision for the future, without any policies for the future, then this province will not have a future. And members of the opposition have no policy and members of the opposition have no vision of the future, and they groan, they moan.

If they have a policy I encourage them to state their policy of what the solution is here. We seek . . .

An Hon. Member: — Call the election and you'll see the policy.

Hon. Mr. Schmidt: — Oh, the member opposite there from Regina Rosemont says, call an election and you'll see the policy. Well if you have a policy, why are you hiding it? I defy you to show me a policy, if you actually have one. The members shout from their seat . . .

(inaudible interjection) . . . Well the member says that we would steal their policy.

Well if it were a good suggestion, yes, we would invoke it. But we haven't even heard of bad suggestions from the members opposite. No policy whatsoever. They say they don't have any bad suggestions. I agree they don't have any bad suggestions. They don't have any bad suggestions; they don't have any good suggestions; they don't have any suggestions.

What the members opposite give us is, things are bad, things are bad. But give us one positive way of making a change. Show us some vision. I will show you some vision right now, Mr. Chairman. I will show the member opposite some vision. I am not concerned that they will steal our policy, because if they did it would be good for Saskatchewan. Let me show you some vision.

We have to look at not what is wrong but what can be done. We have to look at an economic policy change, economic reform, because this province has got into a situation where we have not been able to keep up with the world economy. We need economic reform. We have an economic policy which this Assembly has passed on community bonds, an opportunity for citizens in this province together with all other groups and organizations like co-operatives and service groups, non-profit organizations, to invest in their own community, guaranteed by the Government of Saskatchewan in principal, where they risk their profit.

And they apply themselves to build their community, and they can make as much profit as they want because profit is not a dirty word. There is no limit on how much money the people can make investing in their own community. But we will only guarantee their principal. We are including in that program the youth of this province because there has to be a future for the youth. And there has to be an attitudinal change.

I say to the members opposite and to everyone: try this some time. If you're ever in a school, ask a graduating class: what will you young people do when you graduate?

An Hon. Member: — Go to Alberta.

Hon. Mr. Schmidt: — Well the members opposite shout negative things. The member from Rosemont says: go to Alberta. Well how could they go to Alberta? They have a free-market economy in Alberta. How could they possibly live in such an unbearable situation as having to go to Alberta or British Columbia where there's a free-market economy? Why, if people voted with their feet, to go to a free-market economy?

Well let us go back to the little test that you should conduct every time you show up to a graduating class in a high school. And you ask them: what will you young people do when you graduate? And I would expect about 63 per cent of them will tell you they will go on to university or to SIAST (Saskatchewan Institute of Applied Science and Technology) or to other education after grade 12.

And then say to the remaining 35 per cent: well what will the balance of you do when you finish high school? And I would expect almost everyone of them, when you add these two groups up, will say either they are going to continue their education or get a job. And you say to the ones that are going to continue their education: what will they do when they graduate from university or technical school?

I venture to say almost all of them will say, I am going to get a job. Well that is a noble objective but someone should ask them also, who are they going to work for. Because if every young person in Saskatchewan wants to be an employee, who are they going to work for if none of them aspire to be employers?

And unless you give those young people the opportunity to be employers in Saskatchewan, rather than employers in Alberta or British Columbia, then there will not be jobs in Saskatchewan. We have to have an attitudinal adjustment. The young people have to be directed by the education system and by the adults of this province to become employers. Then there will be jobs in Saskatchewan, and no sooner.

So we have to have an economic policy of opportunity — opportunity for our people in our communities, opportunity for our youth. And therefore in community bonds, there's a provision requiring youth directors in the community bonds corporations.

There will be additional matters that will be brought forward by this government to assist youth in becoming winners and becoming employers, in adopting a positive attitude and in participating in building their own province rather than going and building other provinces.

There has to be, in addition, a resolution of the world trade wars and therefore we have to make every effort to solve our world trade wars with respect to the GATT (General Agreement on Tariffs and Trade) negotiations that are coming up now.

I can tell you, last year I attended Geneva as part of a labour conference, the International Labour Organization, and at the same time I dealt with GATT matters with our Canadian ambassador on GATT and went over the problems of world grain wars. This year I'm the minister responsible and we will continue — both myself and the Premier, who is an expert in world-wide trade — we will continue to try to solve these trade problems that are causing us economic harm in Saskatchewan.

We will continue with expansion of former Crown corporations in the free market, and therefore you will see continued expansion by Weyerhaeuser who is now considering a second pulp mill. I'm sure you saw that on the news. You didn't raise it today; that was not of importance. It was positive, wasn't it? You couldn't talk about the possibility of Weyerhaeuser building a second pulp mill. No that would be something positive and a negative party like yourselves couldn't ever talk about anything positive.

There has to be a plan. We will continue in the free

market with corporations that have been set free to do business Canada wide like WESTBRIDGE who is looking at expansion Canada wide. We will continue with corporations who've had benefit of government policies like the new health card. So that Co-op Data Services is now doing business world wide.

An Hon. Member: — Belgium.

Hon. Mr. Schmidt: — The members opposite refer to Belgium. They are also dealing with IBM in Australia. They are attracting world-wide contracts all started by this government having some vision in implementing modern technology rather than sitting around talking about the past, rather than tilting at windmills as you people of the flower generation are apt to do day after day. I am telling you that there has to be vision and there has to be some resolve and there has to be the courage of leadership so that the people of Saskatchewan have a future.

And there are some policies for you to consider. And if you want to steal those policies, go ahead, make them part of your platform. I am pleased to see that those kind of policies are a consensus. And if you don't agree with those policies, then come up some of your own so that at least we can examine that so people have a choice. They have a choice between a positive party here and a negative party there.

Mr. Hagel: — Well, Mr. Minister, Mr. Minister, you say an attitude adjustment is necessary, I agree. But that attitude adjustment does not start with the people of Saskatchewan, that attitude adjustment starts with you and with the Premier and the members of your cabinet and the two or three back-benchers you got. That's where the attitude adjustment has to start if we're going to get some action in the province of Saskatchewan.

Some Hon. Members: — Hear, hear!

Mr. Hagel: — You want to talk positive? You want to talk positive? Let's talk positive, Mr. Minister. This party has talked for some time about the only formula that works in terms of generating the economy and getting some jobs in the province of Saskatchewan, and that's the mixed economy approach. The mixed economy, Mr. Minister, that balance of the private sector, the public sector, and the co-operative sector, and you have wiped two of those off the map, Mr. Minister. You have put all your eggs in one basket and it is a failing formula for which the people of Saskatchewan have paid an immense price for your ideological experimentation in privatization, Mr. Minister. That's the reality.

Mr. Minister, there was a time in this province in which small business expanded, and there will be a time again in this province in which small business expands. Small business in this province, Mr. Minister, is the key to generating employment. That's where most of our people are. Small-business people in the province of Saskatchewan, Mr. Minister, make their decisions based on their confidence in the economy. And in the history of Saskatchewan it has been so far and it will be for a long time to come, Mr. Minister, a reflection of the confidence that they have in their government, their government's

ability to manage their own books and to lend some direction and some stability to the economy of the province, Mr. Minister. That's the reality.

Now, Mr. Minister, I take a look at history in the province of Saskatchewan, and there is an interesting reality, Mr. Minister, that you may not like to refer to. It has to do with the population of this province. Mr. Minister, it has to do with the historical tradition of the New Democratic Party promoting the mixed economy approach to the management of our economy in this province, Mr. Minister. And when you take a look at the facts, there can be no other interpretation than that.

(2145)

Mr. Minister, when we take a look at the history of Saskatchewan over the last 50 years, Mr. Minister, what we see is this. For the last six years of the Liberal administration prior to the Tommy Douglas CCF administration in 1944, there was a continuous drop in population — a continuous drop, a decline in our population, Mr. Minister, which Tommy Douglas inherited and continued for three years, because it takes awhile to put your own mark, provide your own leadership to the economy of the province.

Mr. Minister, that continued to drop for three years. It stayed stable for five years. And then, Mr. Minister, for 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 consecutive years, the population increased, Mr. Minister, until the Liberal government came to power in 1964, Mr. Minister.

And what did that Liberal government do? It inherited an upswing in the population, and it continued with what it inherited for four years. The population rose from 942,000 to 960. But then the right-wing administration of Ross Thatcher, Mr. Minister, and their ideological commitment to only the private sector, Mr. Minister, began to take place and population dropped for three consecutive years, down to 926,000. At which point Allan Blakeney New Democratic government came into power, inherited the down swing, and that continued, Mr. Minister, to 1974, in which we reached the population of 899,000.

And then, Mr. Minister, the mixed-economy approach of a New Democrat government began to take place. And for 1, 2, 3, 4, 5, 6, 7 consecutive years the population of Saskatchewan began to turn up again, rising from 899,968. Mr. Minister, that was the reality that you guys inherited in 1982, an increase in population. And that continued for five years. And then, Mr. Minister, privatization settled in, and the population began to decline. And so we've gone from a high of 1987, a population of 1.015 million, down, Mr. Minister — by my calculations at this point today — to some 997,000, and if you want me to explain the calculation, I will.

Mr. Minister, if you want to talk positive, then let's take a look at the track record of the two administrations, the approach to the economy, and the results in the impact on people and the creation of jobs, and the impact of our population. That's the reality, Mr. Minister. From 1971 to 1981 in the province of Saskatchewan, under an NDP administration there was an average of 9,100 new jobs

created every year — 9,100 a year, Mr. Minister. From 1981 to 1989, under your administration, there's been an average creation of only 2,625 jobs, Mr. Minister. Now that's performance the PC style. You tell me that's positive. The people of Saskatchewan tell me that's not positive. It's anything but positive, and that's the reality.

Mr. Minister, when you inherited government in 1981 there were 21,000 unemployed, an unemployment rate of 4.7 per cent; 1989, 36,000 unemployed, an unemployment rate of 7.4 per cent.

And then we have, Mr. Minister, we have our youth, the youth of our province, those people that we are losing in droves, who are voting with their feet, as you say, and that's exactly correct as they're leaving Saskatchewan to make their futures elsewhere, Mr. Minister.

And what's happened with youth employment? Mr. Minister, in 1981 young people between the ages of 15 and 24, there were 110,000; 110,000 between the ages of 15 and 24 employed in the province of Saskatchewan. Under your administration, Mr. Minister, that has dropped consistently year after year after year after year after year, to 1990 in which case now we have 84,000 young people employed in the province of Saskatchewan, a drop of 26,000. And that's performance PC style, Mr. Minister.

Mr. Minister, in 1982 the young people age 15 to 24 represented about 19 per cent of the population of the province. Today that's dropped to 16 per cent of the population of the province because unfortunately, Mr. Minister, they're leaving. In net migration, Mr. Minister, 1985 we lost 575; a net loss of 575 young people between the ages of 15 and 24; 1986 we lost another net 3,251; 1987, another net loss, 2,100; 1988, another net loss, 3,116; 1989, another net loss of young people, 5,598.

Mr. Minister, that's your record. That's your record set beside the mixed economy approach of a New Democrat government, Mr. Minister. So I ask you that in light of that record: what is your government doing to directly address the need for employment of our young people? — our young people, Mr. Minister, the most energetic, the most enthusiastic, the most creative, our newly educated people who are leaving this province in droves to make their futures elsewhere, Mr. Minister. What's your plan?

Some Hon. Members: — Hear, hear!

Hon. Mr. Schmidt: — I really think . . . would anybody want to be governed by that? Is that the choice we have in this province? What we just have gone through there is really the price of wheat over the last 20 years. When the price of wheat is good, the economy is good. When the price of wheat is bad, the economy is bad. Without diversification, only the price of wheat has mattered. The price of oil has helped; the price of potash has helped. And that's what you're talking about there: commodity prices.

With the NDP, they tell us they have one policy, a mixed economy — a mixed economy, like where?

An Hon. Member: — Like Saskatchewan.

Hon. Mr. Schmidt: — A mixed economy, they think, like Saskatchewan. A mixed economy, like where?

An Hon. Member: — And Europe is moving towards it.

Hon. Mr. Schmidt: — They say a mixed economy like Europe is moving towards. Well I am saying to you that we should have a mixed economy like British Columbia, and a mixed economy like Alberta, and a mixed economy like Ontario, and then our citizens would be a lot more prosperous.

But the member opposite says, a mixed economy like eastern Europe. We had here in this gallery, Mr. Chairman, the economic advisors to Lech Walesa, his chief economic advisors. I introduced them in this Assembly. The members opposite, they always stand up and acknowledge their union brothers but they would not stand up and acknowledge their Solidarity brothers from Poland. Why would they not do that? Because those members of Solidarity said to me, we want to join western Europe, we want a free-market economy, we want to be prosperous like western Europe. I said to those individuals, why don't you lead for the time being an eastern European common market. And those advisors to Lech Walesa said to me, right here in this building, we do not want to be the richest country in eastern Europe we would rather be the poorest country in western Europe. They want to be the poorest country in a free-market economy so that they have an opportunity to prosper. They are tired of the system they had there before. And the NDP promise us a mixed economy.

Here's what you get when you elect an NDP government. If anybody believes that small business would benefit then consider more regulation, more red tape — bright red tape I might say — more bureaucracy. Four thousand more bureaucrats than there are today were here when we were elected — more bureaucracy.

A payroll tax, like the NDP put on in Manitoba. Tax people for hiring people.

A gift tax. Our youth can't remember the gift tax, they can't remember the death tax. But I tell you that there are widows and orphans in this province, there are farmers who went broke paying the NDP's gift tax because they believed, the NDP believed people should not be allowed to accumulate wealth; they should not be allowed to save money and pass it on to their children.

That's what the NDP believed; they cannot deny it, I was there with them, I argued against it. I stood up to Walter Smishek and I said, get rid of that tax. He denounced me, he called me down, and we had a fair vote by show of hands with the NDP on that gift tax on widows and orphans. And I can tell you this, the vote was 131 to 2. I convinced one other sane person among the NDP that we should not tax widows and orphans. Don't deny what was going on in that party. Don't deny that you haven't changed. Don't deny that you would tax widows and orphans again. Ask Simon De Jong. He's already put out a news release saying we should tax widows and orphans and farmers with an inheritance and a gift tax. That's the

kind of mixed economy they want for us.

They want a land bank so that they can own the land. They want to go back to a mixed economy so they can buy the pulp and paper mill for a second time and lose another \$91,400 a day. How many people do they want laid off at WESTBRIDGE in Regina because they want to mix up that company in their mixed economy? How many other people do they want to lay off throughout this province because they are opposed to Crown corporations expanding?

That is what the NDP policy is today. That's the most they can come up with here is a mixed economy. And I say a mixed economy like who? Where is there an example of a mixed economy that anyone aspires to? That debate ended in 1989. The world is going to a free-market economy, to freer trade — all of those things the NDP are opposed to.

They know so little about the world that this goes over their heads just like it did when I told them years and years ago. They deny that I was ever a member of their party. I will bring my card in here and I will prove that in 1976 I quit that party because there were some people in the world who understood that that philosophy was going nowhere. Deng Xiaoping understood; Dubcek understood in Czechoslovakia; Gorbachev was a head of the KGB, and even he understood that that system was going nowhere.

But the NDP, 14 years later is still advocating a mixed economy. I will agree with a mixed economy, but the big disagreement we have is the percentage of the mix, because your percentage of a mixed economy is 95 per cent socialism and 5 . . .

Mr. Chairman: — Order, order please. We've only got a few minutes left and the decorum in this House is dwindling appreciably. I wonder if both members could just retain themselves a little bit and we could maybe finish these estimates at 10 o'clock. Mr. Minister.

Mr. Pringle: — Thank you very much, Mr. Chairman. Mr. Chairman, I'm not going to respond to those comments because it's hard to imagine the . . . I don't want to give any dignity to the comments that the minister just talked about. Mr. Positive himself talking about bashing the opposition for why the economy is in such a mess. And this government has put their faith in this new super-minister who just went into a tirade for 10 minutes about why we're in trouble and blaming the opposition. They put their faith in him, in his poof economics.

So we've got a minister of economic development who believes in poof economics, we've got a Premier who believes in magic. The problem is, Saskatchewan families and Saskatchewan young people are paying the price. They're paying the price for your lack of managing the finances of the province, your lack of managing the economy.

The proof is in the results. The proof is not in the rhetoric, Mr. Minister, the proof is in results of whether it's high taxation, small-business bankruptcies, families leaving, quotas on universities, whatever indicators you take, the

poorest job creation record in Canada. The proof is in the results and your record is very dismal. You've now got the highest rate of family poverty in all of Canada. You can't deny those, Mr. Minister.

Now, Mr. Minister, I would like to pursue a little bit about the issue of youth unemployment. I'll give you something very straightforward to deal with, and that is the job creation record under the Opportunities youth employment program. And I think you've got some explaining to do, Mr. Minister; you've got some accounting to do for your record as it relates to youth unemployment in this province.

And I'd like to indicate, just very briefly, your government's record with regards to Opportunities youth employment program. In 1986-87 — this is taken directly from the budget — in 1986-87, which was the election year, you budgeted \$8.5 million on youth employment and you created 10,384 jobs, for an average of \$800 per job under that program. In 1987-88 you cut that by 53 per cent, the year after the election. In 1988-89, same as 1987-88. In 1989-90, you cut another 22 per cent from that budget — almost a million dollars you cut. Now 1990-91, in this budget, you've cut another \$500,000 dollars from the Opportunities youth program, for another 16 per cent over last year.

(2200)

Now considering that in the election year of 1986-87 where you created 10,000 jobs at \$800 per job, based on this year's budget you will create about 3,226 jobs or 7,150 fewer than you did six years ago under this program. In other words, Mr. Minister, your government, you as the Minister of Economic Development responsible for employment, you in this budget have allocated only 31 per cent, only 31 per cent of the amount which you budgeted in 1986-87.

Now, Mr. Minister, it's no wonder that young people are having to leave the province. It's no wonder that the labour force since 1982 for young people has dropped by some 26,000 in the labour force, as my colleague had pointed out. You are forcing young people to leave. So put your rhetoric aside, and I want to know from you, and we know that the \$500,000 was cut from your budget from this program because the minister responsible for the Public Service Commission indicated that the 500,000 that is directed towards the environment has come from his department.

So, Mr. Minister, given the high unemployment rate for young people, given the fact that tuition fees have increased for students who wish to return to university, given the fact that we've got over 50 per cent of our record out-migration rates who are young people, why on earth as minister responsible for youth employment, would you have allowed the youth opportunities employment program to be cut by some half a million dollars in this budget? Why would you have done that? Why would you have allowed that, given the employment situation for young people?

Hon. Mr. Schmidt: — Mr. Chairman, in 1985-86, the program was a joint federal-provincial program of which

the federal government's share was 40 per cent. When you take out the federal government's share you have a 40 per cent reduction immediately.

In addition, each year we have been budgeting the actual uptake, and because the actual uptake by employers is down, that is an indication that the market economy is absorbing more jobs than in the past. There's no need to throw more government money into student employment when the economy is already providing those jobs.

Mr. Pringle: — Mr. Minister, you're ignoring the reality about the economy providing the jobs. The fact of the matter is the economy isn't providing the jobs. You had the worst employment record creation increase in all of Canada last year. We're the only labour force that was reduced because so many people were leaving.

So don't give me the line that the free-market economy replaced the jobs that were lost in this program. And I would suggest that, as you did when you made those cuts, you again are indicating tonight that there wasn't the take up on that money, therefore you reduced the budget. What you actually did, Mr. Minister, is you restricted the criteria for those who could apply for that money. You know that. You didn't allow NGOs (non-governmental organizations) and municipalities and local governments and community and church groups, to apply for that money.

So don't play games about the fact that people didn't apply to use the program; there wasn't the up take. That is not true. You restricted the eligibility. And those are important sectors that you have . . . who created jobs for young people in the past that you took out of that program. You wouldn't allow the criteria to include them. So you restricted the criteria, and then you used the fact that there wasn't the uptake, as an excuse and a rationale for cutting further.

So, Mr. Minister, I have a couple of questions, and one is: why do you not, given the high unemployment rate, why would you not consider, or will you give consideration to including those eligible to apply, the same groups that were eligible in 1986-87 and 1987-88? Will you do that?

And secondly, while you're up, given that you've only budgeted some \$2.6 million, which is over \$7 million less than just four years ago, will you give consideration if you really believe that young people are important to the province of Saskatchewan, that they're an investment, and that you want them to remain here, will you give consideration to finding the money — say from Cargill, that you're directing towards Cargill, or the other variety of ways in which you are wasting money — will you give some consideration to redirecting, at least to the '86-87 levels, some \$7 million to youth employment. It's not too late. Will you do that, Mr. Minister?

Hon. Mr. Schmidt: — Well, Mr. Chairman, the suggestion that any money is given to Cargill is utter nonsense. The provincial government has invested in the Saskatchewan Fertilizer Company, the creation of jobs, and the jobs will primarily be in the Regina-Moose Jaw area.

The member from Moose Jaw expresses dissatisfaction, and I suggest he will live to regret his opposition to the Saskatchewan Fertilizer Company building a plant in the Moose Jaw area.

But we have found that the criteria was very loose and that the government was subsidizing, as you indicated, churches, municipalities. This was a transfer of taxpayers' money to either other taxpayers' organizations or to churches. And we feel that it's not the duty or responsibility of the government to support churches, nor is it the duty for the government to support church groups, nor is it the duty of the government to support municipalities other than in the manners prescribed by this particular budget where the millions of dollars go to the rural municipalities and the urban municipalities.

There were cities who were hiring up to 50-plus students in any event, and were getting \$50,000 from the government. It was the . . . municipalities in this province do not have a deficit. The provincial and federal governments have deficits mostly due to transfer payments from the federal government to the provincial government and from the provincial government to the local municipalities. And therefore you have to look at where the greatest need is. We have to control our deficit to reasonable numbers.

It is nonsense to suggest for anybody to come here in this Assembly and say, money is given to Cargill, therefore you should give money to churches and you should give money to municipalities. We tightened the criteria. We excluded grade 11 and less. We felt that the government did not have money to subsidize jobs for grade 9's, 10's, and 11's who were not going on to secondary education at that particular time and that there was a responsibility of parents to take care of their children and that the energetic grades 9's, 10's, and 11's would find work in the private sector. And those that have been energetic have found work.

And so for all of those reasons, which I submit are logical, the responsibility of government is a lot greater than the responsibility of opposition. The government not only has to come up with good ideas, it has to find the money to do it and it has to find it in a fair manner. The opposition can be whimsical and have a wish list.

Governments have to make difficult choices. These choices have been made. These choices are made for the future of Saskatchewan, not for immediate gratification of how many millions can immediately be spent on groups that will hire students for a short period of time. We have decided to concentrate on the wealth producing sector of society, the market economy, the job creation sector. We are in the business of creating jobs, not transferring taxpayers' money.

Therefore — and the member asked the question and he shouts from his seat and he is very far back here in the opposition, in the furthest row. And until he shows greater wisdom he will probably not move up into the benches where it requires greater wisdom. So he can have simple solutions, but the responsibility of government is greater than just having a wish list.

Mr. Hagel: — Well, Mr. Minister, there is another theory about moving forward to the front benches and I have to admit, Mr. Minister, that at times I'm inclined to think it's not entirely false. And it's called the Peter Principle, Mr. Minister, where individuals rise to their highest level of incompetence, Mr. Minister. And, Mr. Minister, you may find yourself being referred to as an example of the Peter Principle some day, formally if not informally.

Mr. Minister, you talk about a wish list. All the member from Saskatoon Eastview was saying is that he wishes that when you had a program that worked, that you would continue to use the program that works. That's all he wishes; that's all the young people of Saskatchewan wish regarding the youth employment program — the summer youth employment program, Mr. Minister. That's all he was saying.

Now, Mr. Minister, you referred to the Cargill plant as well and, Mr. Minister, I would only wish as well that when there is a Moose Jaw firm, fully qualified to create 25 jobs and put up some steel buildings, that's in a city that's some 15 miles or so from the site of the Cargill fertilizer plant, I only wish, Mr. Minister, that a Moose Jaw firm would have a chance to bid on that job — just a chance to bid, Mr. Minister, and to create 25 jobs in the city of Moose Jaw.

Well, Mr. Minister, let's move along to another topic. And I ask you, Mr. Minister, if your department or your government have provided a grant of any kind to a firm here in Regina that goes by the name of diversified human resources.

Hon. Mr. Schmidt: — I've heard of Diversified Services in Moose Jaw, but I've never heard of diversified human services. Nobody seems to recall the name. They can check further to see if anything has been done in that regard.

Mr. Hagel: — Mr. Minister, the name, as I said, is Diversified Human Resources. I'm not referring to a firm in Moose Jaw — here in Regina.

Hon. Mr. Schmidt: — Does anybody here know about that firm? My officials who keep track of things shake their head. They know nothing of this firm. It should be listed in the **Public Accounts** if they received more than \$10,000. We know nothing of this.

Mr. Hagel: — Apparently, Mr. Minister, it's a firm that makes claim to having received a grant from you, as a matter of fact, is how it was described. Mr. Minister, it's a firm that advertises regularly in the Regina *Leader-Post* Help Wanted section offering services to those seeking employment for a specified fee. In other words, Mr. Minister, it sells information about job opportunities.

It's my understanding as I look at The Employment Agencies Act, Mr. Minister, that the practice of collecting a fee for providing information about job opportunities is prohibited by this Act. It's against the law in Saskatchewan.

Mr. Minister, what this firm seems to be doing is in clear violation of this Act, and I would like to ask you, Mr.

Minister, if you're familiar with the services that they are providing. You may not be providing a grant, but if you're familiar with the services they're providing and if they are providing the services as I described, then what your department will do about that.

Hon. Mr. Schmidt: — Mr. Chairman, now that the member from Moose Jaw North has raised the question, we will try to track down this firm, look into the matter, and see if they are breaking any laws.

Mr. Hagel: — And I would assume, Mr. Minister, that if they are breaking any laws that you will take the appropriate action?

Hon. Mr. Schmidt: — We don't tolerate law-breaking in this province. This government has always been for law and order, and we will maintain law and order. There's never been any question about that.

Mr. Hagel: — Mr. Minister, if I was to list the number of your own laws that your own government has broken, we would be here for several minutes, Mr. Minister. We need not get into that, that's not directly related to Human Resources, Labour and Employment. I would simply ask you to enforce the law as it exists, Mr. Minister, on behalf of the people of Saskatchewan.

Mr. Minister, your budget shows for this year that labour standards branch was cut by 17 per cent for some \$202,600. There was a cut of three positions, Mr. Minister, and I would ask you if you would identify — I would not ask you if, I would ask you to — identify the personnel positions that were cut from the labour standards branch, Mr. Minister, and what programs have been cut or reduced as a result of this reduction in your budget.

(2215)

Hon. Mr. Schmidt: — Mr. Chairman, this reduction of three person-years in the budget, I submit, is not a great hardship to any of our workers because what happened was that we budgeted for implementation of the employment benefits Act. You made representations against the employment benefits Act. I submit that this was a loss to the workers in Saskatchewan. The Saskatchewan Federation of Labour made representations against the employment benefits Act.

They said, oh we like most of it but there's some things we don't like. Their choice was that they'd rather not have anything, and I said, all right. If you represent workers and you the NDP don't want the employment benefits Act, there's no use fighting with the people you're trying to help. That Act has not been brought before the legislature for implementation. The three people budgeted for were not hired. And, therefore, there is no need to keep their three vacant positions on the payroll. It is that simple. I don't think we can default it for not hiring people we didn't need.

Mr. Hagel: — Well, Mr. Minister, you and I both know that it was a flawed Act and it wasn't all it was cracked up to be. In fact it was a long strike from it. And every apparent improved benefit or protection for employed

workers had a loophole you could drive a Mack truck through, Mr. Minister.

I kind of suspect that not only Saskatchewan Federation of Labour but a large number of other organizations who submitted to you their opinions, and copies to me of their opinions about that Act, all drew a unanimous conclusion. I'm still waiting to receive my copy of the first endorsement of that Act as being good for working people, Mr. Minister. And I would concur that you took the right course of action by not introducing that Bill in the form that it was drafted and presented to this Legislative Assembly a couple years ago.

Mr. Minister, I wonder if you could provide to me, and you may not be able to do this tonight and may choose to do that in providing written information to me at a later date, the number of inspectors, labour standards inspectors at the branch — or labour standards officers I should say — that the branches had in each year from 1980-81 through to '88-89, or let's make that '89-90, and the number of spot checks that those inspectors have done through those years. You may not have that information here and if you would provide it to me in writing at a later date that would be satisfactory, Mr. Minister.

Hon. Mr. Schmidt: — Well, I'll ask my officials to do the research and see what information they can come up with.

Mr. Hagel: — That's one of the less firm commitments that I've heard for some time, Mr. Minister, and I would simply ask that that be provided if at all possible, and I don't think it should be terribly difficult.

Now, Mr. Minister, the prosecutions for labour standards have dropped dramatically. In 1984 there were 55; in 1985, 44; in 1986, 42; in 1987 there were 20; in 1988 there were 7; in 1989 we were down to 2 prosecutions for labour standards violations. Two thousand nine hundred and forty-six complaints; two prosecutions, Mr. Minister.

I wonder, Mr. Minister, if you could provide an explanation that would build the confidence of working people in the strict adherence to enforcing the labour standards of your department that has resulted in this constant decline. And the record in 1989 of one prosecution for every 1,473 complaints that were brought — an explanation of that would be appreciated, Mr. Minister.

Hon. Mr. Schmidt: — I'll give you the same answer as last year. We have made a conscious effort to settle these matters rather than drag people through the courts. The statistics show . . . (inaudible interjection) . . . The members opposite chirp from their seats and they laugh and they scoff and they chew their gum in the House and they generally behave that way. And what I'm saying to them is that it is not acceptable to be confrontational, to try to intentionally drag people through courts when you can settle the matter.

Lawyers of Saskatchewan know about that. Reasonable citizens know that. They try to avoid court. They try to settle their matters. But the NDP want everybody dragged

through the courts. Do they all wish to be judges? No, we're not going to hire an extra five or ten judges to process all this confrontation.

I explained it last year. I explained it clearly last year and I will give you the same explanation and you can go through your same charade. But will you just look at last year's answer and it is as follows: we are making a conscious effort to settle these matters. The statistics reflect that. Not as many people are being dragged into court. As a last resort we take people to court. As a last resort last year, two people had to be taken to court. We think that is a successful record. We think that it expedites matters. We do not believe in confrontation.

An Hon. Member: — That's an abrogation of your duties.

Hon. Mr. Schmidt: — And the member, the former union rep from the Saskatchewan Wheat Pool, says that that's an abrogation of our duties. Well I know that you union leaders like to be in court; you like to be in strikes; you like to be in conciliation; you like to be in mediation. It is your reason for being. Without confrontation, you would all be unemployed.

We are talking here about a system where we are trying to reasonably settle matters.

Mr. Hagel: — Well, Mr. Minister, on occasion you do extend goofiness to new heights, and I think we just experienced one of those. I do appreciate, Mr. Minister, that you just gave me the same answer as last year. I was hoping for a little more frankness, and quite frankly, I was hoping that you'd fess up about the application and diligence with which your department is enforcing labour standards requirements, Mr. Minister. Unfortunately you choose not to do that and to side-track, and so I won't belabour the point.

I just, Mr. Minister, note in the minds of working people in Saskatchewan the dismal record of your enforcement of labour standards. I want to know, Mr. Minister, if there are any plans for privatization of labour standards enforcement that you're working through your mind these days.

Hon. Mr. Schmidt: — Mr. Chairman, I hadn't really thought about it until the member opposite started complaining about how inefficient my department is, and I was thinking, how else could we do this better? If you agree that we should not contract this out, then let my officers continue with their job. You can't have it both ways.

Mr. Hagel: — Mr. Minister, let's get this very clear. You're the minister responsible for labour and employment, you're the minister responsible for privatization. Are you saying in this House tonight, Mr. Minister, that you're considering privatizing the enforcement of labour standards in Saskatchewan?

Hon. Mr. Schmidt: — The answer is no, we are not.

Mr. Hagel: — Well, Mr. Minister, we're in this together then.

Mr. Minister, the largest number of complaints in 1988-89, 51 per cent, originated in the service sector. And I am wondering, Mr. Minister, whether changes will be made to The Labour Standards Act to address the obvious difficulties that workers are experiencing in this sector, or whether there are any changes that you're looking at in terms of enforcement of labour standards in this sector, which is the source of the majority of labour standards complaints.

Hon. Mr. Schmidt: — The first change we're contemplating is an increase in the minimum wage to \$5.00 per hour effective July 1, 1990, which is only about two weeks from now. We are contemplating improvements, but there is relatively little consensus on what shape or form the improvements should take. So we are studying the matter further and we will look at what improvements can be made, what's logical, what's acceptable. We don't get any thanks from you or your friends, the union leaders every time we try to make improvements, so for no thanks it's rather difficult to make improvements.

Mr. Hagel: — Well, Mr. Minister, if there was something to be thankful for I would be the first to say that. There has been occasion in the past, Mr. Minister, when I recognized that you've taken action that I consider to be appropriate and I don't hesitate to do that when that's the case, Mr. Minister.

Well, Mr. Minister, you've made some reference through our discussion tonight to considerations to changes to The Occupational Health and Safety Act, possibly as soon as this fall. I understand from your last comment that you're considering some possible changes to The Labour Standards Act. The workers' compensation review committee, Mr. Minister, and you may want to comment on that, is about to begin its job at some time in the not too distant future. That may be leading to the possibility of changes to The Workers' Compensation Act.

We've made no reference here tonight, Mr. Minister, to The Trade Union Act. Just in wrapping up these estimates, I would appreciate some indication to you from these four major Acts within your jurisdiction, The Occupational Health and Safety Act, Workers' Compensation Act, Labour Standards Act, and Trade Union Act, as to whether it is the current thinking of government that you're considering some amendments to those Acts. Is there anything anticipated in this session, and/or in the 1990-91 fiscal year, Mr. Minister?

Hon. Mr. Schmidt: — We're not anticipating any amendments in this particular session to any of those Acts. I've indicated earlier The Occupational Health and Safety Act is being drafted. At the earliest opportunity we're anticipating bringing in amendments there. We are not really that far down the road with respect to drafting amendments to any of the other Acts you've referred to, and so I wouldn't expect any legislation in the near future.

The member asked on The Workers' Compensation Act. The committee of review — we are trying to locate a suitable chairperson. And in a rare occasion of agreement in Saskatchewan the government, the opposition, the employers, and the employee reps all seem to agree on

who we should have for a chairperson. As you and I have discussed earlier, there is a legal complication with respect to appointing that chairperson. If we can overcome that legal complication, we will by agreement appoint that chairperson. If we cannot, the government will seek another chairperson, and that may delay it further. We anticipate in the next few weeks. I had hoped it would have been done by now but we are seeking a legal solution to that technicality. If we find a legal solution, the best chairperson that we can find that we all agree upon will be appointed, and they will commence their work when they report, and necessary amendments will be made at the earliest opportunity, as we have done in the past.

Mr. Hagel: — Mr. Minister, I concur with that and would certainly, as I've said to you, be committed to assisting in seeing that chairperson selected and that process begin as soon as possible.

Item 1 agreed to.

Items 2 to 7 inclusive agreed to.

Item 8

Mr. Trew: — Thank you, Mr. Chairman. Minister, in Regina, for special needs transportation, the funding comes for that bus service from the city of Regina as well as from your department under your disabilities directorate. The special needs transportation system is severely overloaded. It was set up in 1975 and since that time has only a total of 30 per cent increase in funding in all of those years. It's been frozen for some years now.

In Regina, sir, they want to operate a special pilot project this year. It involves use of cabs, I understand, as opposed to the minibuses for some of the people who are not bound to a wheelchair, that is those who can use walkers and that type of thing. They're slightly more mobile, if you like, than those who are forced to use the minibus because they're wheelchair-bound and don't have their own vehicle.

The cost of this special pilot project, Minister, is estimated at about \$150,000 which, I'm sure even you would agree, is not a huge amount of money. But the last time I checked with the special needs transportation people, they were still uncertain as to whether your department was prepared to commit some extra funding for that special pilot project on a one-year basis.

I'm simply asking you: have you decided you are going to provide some of that money or all of that money? And if not why not? If so, let me be the first to congratulate you for in fact providing that money.

(2230)

Hon. Mr. Schmidt: — Well to the member from Regina North, it's difficult to find extra money for the city of Regina when money is scarce. And if at all possible we will find extra money for the city of Regina. But we are on a tight budget, we have to allocate where the need is greatest. And I will see, during the course of the year here, whose buses in which city have worn out, which are in

the greatest need of repair. And if the uptake in the other cities is not as great, I would allocate special money to Regina.

But as we speak today I cannot promise special money for the city of Regina. But if there is any money that's available due to lack of uptake or if the need is ascertained to be greater here in this special case than someone else's bus . . . I mean we have constant problems with people's buses wearing out and I've gone out and looked at some of them to see the state of some of these buses and we've issued the money for those buses.

I can't promise any special money for the city of Regina. We'll take the argument into consideration, and if the money can be found we'll see what we can do.

Mr. Trew: — Minister, you're right. The buses, many of them do need replacing, but that's not what I'm referring to. I'm not talking about replacement of the worn out buses. I'm talking about the special pilot project where they feel that they can provide the cost, the service, at a much reduced cost per passenger. This is a pilot project. It's one to try it out. If it works — because they've conceived the idea here in Regina — if it works you may in fact have an opportunity to do two things: provide better service to people who require special transportation; and secondly, to save some money for the taxpayers and for your department. So there's two things.

But I'm not talking about replacing the worn out buses, although if you want to replace them, that would be welcome too. I'm talking of the special project; that is, they want to run for one year to in fact see that it will work, to see that it is cost effective, to see that it enhances service and saves some money.

Can you find the money for that, or have you found the money for that? I'll look forward to your comments on that.

Hon. Mr. Schmidt: — We are concentrating on replacement of existing buses, which are always wearing out, and there's considerable pressure to replace existing buses throughout Saskatchewan.

Part of the mayor's letter, with respect to the city of Regina — and I hope we're on the same topic here — is that accordingly our 1990-91 submission to the municipal transit for the disabled program includes a request for funding of a computerized scheduling service and a demonstration project using taxis for carriers.

It sounds like an interesting proposal and there's an indication that the city of Regina is doing internal studies. He indicates, we now have some preliminary findings from their study. There is no formal application. I said, if extra money could be found for this special request from Regina, we will consider it on its merits, but we have to concentrate on replacing existing buses. If extra money can be found, this sounds like a worthwhile project, and we would examine it in detail to see what could be done.

Mr. Trew: — Very, very briefly, Minister, are you saying that the city of Regina needs to put in a special request? Because my understanding of the request was they were

asking you if the money would be available. Are you saying they need to put in a special letter applying for a specific amount of money? All I'm interested in is what does the city of Regina have to do to access that money? End of questioning.

Hon. Mr. Schmidt: — Well, from the city of Regina I would need more details on the request as to what the special project is and how it would function and how it would save money in the long run — how it would be a better service. I need a little more information.

But I'm telling you that I don't have extra money for Regina. I don't have an extra \$120,000 for Regina. I said if I could find the money somewhere within the budget that I would try to spend it for their proposed project. But I don't have an extra \$120,000. We cannot simply vote an extra \$120,000. It would mean a tax increase of \$120,000. You have to understand, the budget is here, you're asking for special money; if I can find it, I will do it.

Mr. Hagel: — Mr. Chairman, final question of the estimates. Mr. Minister . . . Well now with a little encouragement we could go a little longer if the member from Meadow Lake would like.

However with a straightforward answer, Mr. Minister, this is it: payment to Saskatchewan Property Management Corporation last year \$1,270,000; this year \$836,700 — a reduction of about some 34, 35 per cent, Mr. Minister.

Now, Mr. Minister, you are not going to believe this, but ministers prior to you have been given some wild and wacky explanations that the reductions in property management payments, which have been consistent throughout the piece as I can see as I look through the budget document, Mr. Minister, the explanation has been improved efficiency, if you can believe that.

Now, you may be able to believe that, Mr. Minister, but I can't believe that. My colleagues can't believe that, and the people of Saskatchewan can't believe that, quite frankly, Mr. Minister. And, Mr. Minister, I'm wondering why the reduction of about 35 per cent. Has there been a change in rental of facilities or services provided by the property management corporation, Mr. Minister? This kind of reduction looks strangely like cooking the books, quite frankly, and fixing the budget to try and work towards a balanced budget in what was thought at one time, I believe, by your government to be an election year.

So, Mr. Minister, what's the explanation for this reduction? And please, please, Mr. Minister, something serious, nothing wild and ridiculous such as improved efficiency by the property management corporation.

Hon. Mr. Schmidt: — Mr. Chairman, our rent went down 35 per cent because we negotiated a better rate with the Saskatchewan Property Management Corporation.

Mr. Hagel: — Same facilities?

Hon. Mr. Schmidt: — More or less the same facilities but our renovation was lower so that was a saving. So part of

that was less expense on renovation because we had the same facilities. We didn't do any renovations so the costs that were there the year before weren't there this year. And in addition, we were grouching about our rate and we got a better rate.

Item 8 agreed to.

Items 9 to 11 inclusive agreed to.

Vote 20 agreed to.

Mr. Hagel: — Mr. Chairman, on behalf of the opposition, I would like to thank the officials for their assistance in providing the information this evening and to wish the officials every success in their challenges in the year ahead in meeting the responsibilities of the department that affect a lot of Saskatchewan people, and I want to wish them every success in reaching department objectives.

I would like to thank the minister for his answers to my questions, although obviously we didn't agree that all the answers — I didn't find myself agreeing — that all the answers were quite as good as perhaps he may have felt. But I do thank the minister for his answers.

Hon. Mr. Schmidt: — Thank you, Mr. Chairman. I want to commend the officials in my department for the work they've done in the past year. They are very prudent managers, they always seem to come in on budget. They have delivered services to the public to the best of their ability. I would say that the opposition will agree that these individuals have been a credit to the people of Saskatchewan, and I am pleased to have such excellent people working with me and I thank them personally.

Some Hon. Members: — Hear, hear!

The committee reported progress.

The Assembly adjourned at 10:40 p.m.