

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
June 4, 1993

The Assembly met at 10 a.m.

pray.

Clerk: — I have to inform the House that Mr. Speaker will not be present to open today's sitting.

And these people are from the Saskatoon area, Dalmeny, across several communities and parts of Regina, various kinds of places in the two major cities of Regina and Saskatoon.

Prayers

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. Swenson: — Thank you, Mr. Deputy Speaker. This morning, Mr. Deputy Speaker, I'm pleased to present petitions on behalf of Saskatchewan citizens, and I'll read the prayer on the petition:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangement.

As in duty bound, your petitioners will ever pray.

Mr. Deputy Speaker, this morning I have a great number of petitions to present. They're from Saskatchewan communities such as Stalwart, Liberty, Young, Watrous, Stoughton, Carlyle, Forget, Heward, Stoughton, Fillmore, Creelman, Moosomin, Rocanville, Fairlight, all over the south-east and east side of the province of Saskatchewan, Mr. Deputy Speaker. I so present.

Mr. Neudorf: — Thank you, Mr. Deputy Speaker. I too have petitions today to lay upon the Table. I will read the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangements.

As in duty bound, your petitioners will ever pray.

Mr. Deputy Speaker, I have hundreds of petitioners here who have signed. Many, many pages of them are from Regina. There's some from Biggar, Hoosier, Smiley, Craven, Chaplin, Yorkton, Maymont, Radisson, and indeed, Mr. Deputy Speaker, from all over the province here. And it is my pleasure to present these to the Assembly at this time.

Mr. Devine: — Thank you, Mr. Speaker. I too wish to table some petitions today. And I will just read the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangements.

As in duty bound, your petitioners will ever

Mr. Muirhead: — Thank you, Mr. Deputy Speaker. It's a pleasure for me this morning also to present petitions on behalf of people of the province of Saskatchewan. And as the Speaker's request, I'll just read the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangements;

That the NDP government of the province of Saskatchewan intends to table legislation that unilaterally changes the provisions of the agreement relating to the corporate governance of NewGrade Energy Inc. and the financing of cash flow deficiencies that NewGrade may experience;

And that the NDP government's intention to unilaterally change legally binding agreements regarding NewGrade Energy Inc. represents a threat to democracy in Saskatchewan.

As in duty bound, your petitioners will ever pray.

Mr. Deputy Speaker, these are from, mostly from Canora. This page is all Canora; this page is Canora. And this page is some Canora and Yorkton and the surrounding areas of Yorkton and Canora, it looks to me . . . and there's Buchanan and Canora on this page. And it's a pleasure to table these petitions. Thank you, Mr. Deputy Speaker.

Mr. Goohsen: — Thank you, Mr. Speaker. I have petitions this morning to present on behalf of the citizens of Saskatchewan from the Cupar area of Saskatchewan. There's also from Canora and Norquay and some other towns up in that area, it looks like. So I'll read the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangements.

As is in duty bound, your petitioners will ever pray.

And I will table them now, Mr. Speaker.

Mr. D'Autremont: — Thank you, Mr. Deputy Speaker. I also have petitions to present today. The prayer:

Wherefore your petitioners humbly pray that

your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangements.

And as in duty bound, your petitioners will ever pray.

These petitions, Mr. Deputy Speaker, come from Gainsborough, the furthest south and east town in Saskatchewan, and from the city of Saskatoon. I would present these now.

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, as well it's my pleasure to present a number of petitions to the floor of the Assembly and reading the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangements.

And as in duty bound, your petitioners will ever pray.

And, Mr. Speaker, the petitions I am presenting to the floor are signed by individuals from Moosomin, Rocanville, Fleming area, a number from Maryfield and Fairlight and Wapella, Mr. Speaker, Rocanville area and a number as well from right across, all across the city of Regina. I so present.

READING AND RECEIVING PETITIONS

Clerk: — According to order, the following petitions have been reviewed, and pursuant to rule 11(7) they are hereby read and received:

Of citizens of the province humbly praying that your Hon. Assembly may be pleased to defeat any legislation introduced to redefine the NewGrade Energy Inc. corporate governance and financing arrangements.

And:

Of citizens of the province humbly praying that your Hon. Assembly may be pleased to show its overwhelming support in efforts to save the Termuende Research Farm of Lanigan.

INTRODUCTION OF GUESTS

Hon. Mr. Cunningham: — Thank you, Mr. Deputy Speaker. It's my privilege and pleasure today to introduce to you and through you to the other members of the Assembly 60 grade 6 to 8 students from Endeavour in the east gallery. That's a school in my riding.

With them there are teachers Dennis Thiessen and Don Chorneyko. Chaperons are Orest Belesky, Kathy Mills, Gerald Klein, Janet Roelens, Margaret Steppan, and the bus driver is Neil Fenske.

And I'll be meeting these people later on for drinks and would appreciate the Assembly would welcome them here today.

Hon. Members: Hear, hear!

Ms. Murray: — Thank you, Mr. Speaker. Mr. Speaker, I'm very pleased to introduce to you and through you to my colleagues in the legislature, on behalf of my colleague, the member from Swift Current, 42 grade 4 and 5 students from Dickson School.

They are accompanied by their teachers and chaperons, Mr. Mah, Mr. Phillips, Mrs. Redekopp, Mrs. Schultz, and Mrs. Peters.

I hope that they have enjoyed their stay in Regina so far and I look forward to meeting with them after question period for a photo and discussion. And I would ask all members here to join me in welcoming them here this morning.

Hon. Members: Hear, hear!

ORAL QUESTIONS

SGI Contracts on Glass Repair

Mr. D'Autremont: — Thank you, Mr. Deputy Speaker. My question is to the minister responsible for SGI (Saskatchewan Government Insurance).

Mr. Minister, back in March you cooked up a deal with the Glass Dealers Association of Saskatchewan that effectively amounted to price fixing for auto glass repair. And when I questioned you about it at that time, Mr. Minister, you refused to answer.

You refused to tell us why such a deal was negotiated with this hand-picked group. You refused to tell us how many glass dealers they represented. You refused to elaborate on the terms of the arrangement. Mr. Minister, today it is apparent why you refused to answer these questions. Mr. Minister, can you confirm that the criminal matters branch of Consumer and Corporate Affairs Canada has determined the arrangement you made with the glass dealers association to be illegal price-fixing and can you confirm that SGI adjusters who enforce this agreement may be subject to criminal prosecution?

Some Hon. Members: Hear, hear!

Hon. Mr. Lingenfelter: — Mr. Speaker, in the absence of the minister responsible, I'll take notice and bring back an answer to the member at the first opportunity.

Mr. D'Autremont: — Well, Mr. Minister, will you also take notice of the fact that a letter has been sent out to all SGI offices in the province and that it says, and I quote:

It appears that those glass repair shops that have not signed the agreement on Glass Replacement and Repair Pricing Policy with SGI are being singled out in your branch . . .

And I further quote:

I have checked with the Criminal Matters Branch of Consumer and Corporate Affairs Bureau of Competition Policy and it is my understanding that you, the adjuster, can be charged under the Competition Act and those charges are criminal in nature.

So, Mr. Minister, while you're taking notice, is it not your agreement is itself illegal because you're forcing the SGI adjusters, your own employees, to break the law by enforcing this agreement? While you're taking notice, Mr. Minister, will you address this very serious issue?

Some Hon. Members: Hear, hear!

Hon. Mr. Lingenfelter: — Mr. Deputy Speaker, I'll take notice of the exaggerated question and bring back a reasonable response.

Some Hon. Members: Hear, hear!

Mr. D'Autremont: — Mr. Minister, you may think it's exaggerated, but when these adjusters face criminal actions, I'm sure that they will think your actions are very unreasonable. Because when you first signed this illegal price-fixing agreement with your hand-picked industry group, you forced every dealer in the province to sign this illegal agreement for fear of you driving them out of business. And now you're forcing your own employees to break the law and subjecting themselves to criminal prosecutions if they enforce your illegal agreement. The letter that we have received, Mr. Minister, says:

If you are directing customers only to businesses which are on the list of shops supplied by your upper management, I would strongly suggest you now stop and avoid possible prosecution.

Mr. Minister, this says that if adjusters continue to follow the direction of upper management, they will face criminal prosecutions. You are forcing your own employees to go out and break the law. Mr. Minister, what steps are you prepared to take to stop this?

Some Hon. Members: Hear, hear!

Hon. Mr. Lingenfelter: — As I have indicated with the member opposite, when I bring back a response we will deal with the whole issue, so I'll take notice of this question as well.

Mr. D'Autremont: — Mr. Minister, as we have seen with GRIP (gross revenue insurance program) legislation, you're very good at breaking contracts. As we have seen with the NewGrade arrangements, you are very good at breaking contracts. Will you undertake today to tear up this illegal contract and quit forcing your employees to break the law, Mr. Minister?

Some Hon. Members: Hear, hear!

Hon. Mr. Lingenfelter: — Mr. Speaker, Mr. Deputy Speaker, I'll take notice of that question as well.

Mr. D'Autremont: — Thank you, Mr. Minister. I would also ask you, what should these adjusters do? If they follow your directions and enforce this illegal agreement, they are breaking the law. Are you telling your adjusters, Mr. Minister, that they should continue to enforce this agreement and expose themselves to criminal investigations while you're taking notice?

Some Hon. Members: Hear, hear!

Hon. Mr. Lingenfelter: — Absolutely, I will take notice of this question as well.

Mr. D'Autremont: — Mr. Minister, you're forcing the auto glass dealers to sign an illegal arrangement. You've told them how much they should charge. You've told them if they refuse to sign the agreement, SGI would no longer do business with them, which for most would result in the end of their businesses.

Mr. Minister, the reason you are doing this is to artificially inflate windshield replacement prices to force most Saskatchewan drivers to take out more insurance. You also are no longer allowing glass shops to waive the deductible amount in the hope that there will be less claims.

Mr. Minister, plain and simple, you have entered into an illegal agreement designed to rip off the people of Saskatchewan. You are forcing your own employees to break the law by going out and enforcing this agreement.

Mr. Minister, how do you justify those actions?

Some Hon. Members: Hear, hear!

Hon. Mr. Lingenfelter: — Mr. Deputy Speaker, it's a little unusual to go through this long litany of questions when I have already taken notice of the question in principle. I mean we can continue to spend the whole question period doing this, but I will take notice of this question as well and bring back a response at an early opportunity.

Mr. D'Autremont: — Mr. Minister, what you're simply doing is allowing this agreement to carry on without making the proper adjustments that need to be made and the elimination of this agreement. Because you've conspired with a small group of glass shops to illegally fix the prices in this province and to gouge Saskatchewan taxpayers.

You've made an illegal agreement to eliminate price competition and competition on the basis of discounting deductibles. Most glass dealers did not want to sign this illegal price-fixing agreement but you coerced them into it for fear of losing their businesses. You're now forcing your own adjusters to break the law each and every time they enforce this illegal arrangement.

Can you force both the glass dealers and your own adjusters to break the law, to price fix and to gouge the Saskatchewan drivers? That's what you're doing.

Some Hon. Members: Hear, hear!

Mr. D'Autremont: — I would ask that the minister and the government take full responsibility for this illegal arrangement, one that Consumer and Corporate Affairs has deemed to be illegal. We would ask, Mr. Deputy Speaker, that the minister resign because of this.

Hon. Mr. Lingenfelter: — Mr. Speaker, as the rhetoric and exaggeration continues to increase, by the end of question period this is going to be quite a debate that's going on here. But I'll take notice of this as well.

Co-op Upgrader Legislation

Mr. Swenson: — Thank you, Mr. Deputy Speaker. My question this morning is to the Premier. Mr. Premier, time after time you've tried to defend your heavy-handed upgrader legislation by citing the words of Mr. Justice Estey. We're wondering this morning, Mr. Premier, if you're prepared to indeed follow the words of Mr. Justice Estey where he says in the media today that you should negotiate, not legislate.

I wonder, Mr. Premier, are you prepared to back off on your legislation this morning and follow the words of the most eminent Supreme Court Justice, Mr. Justice Estey, in his advice to you. Are you willing to do that, sir?

Hon. Mr. Romanow: — Mr. Speaker, the position of the government has been throughout this sorry saga to get a negotiated settlement, one which is fair to FCL (Federated Co-operatives Ltd.), one which is fair to the taxpayers of Saskatchewan, one which allows the upgrader to function and to work on a commercial basis. We have said so time and time again. The member knows opposite — I've said so in the House and it's in the press, and the record will show. I've indicated to the president of FCL. I hereby repeat again my intention and willingness to meet with him or his officers at any time to pursue a settlement.

Unfortunately this has not been the response by FCL, and as a consequence there's not much more that I can do except to proceed with legislation to protect the taxpayers' interests.

But I would say before I take my place, since the hon. member opposite is quoting Estey so favourably on this issue, would he be kind enough to go one step further and tell the House whether he'll quote Estey and say that his party agrees with the main principles of recommending the settlement based on Estey. Because we are prepared to do so. Are you prepared to buy the principles of Estey? Please tell us that.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Deputy Speaker. Mr. Premier, that's almost beyond contempt. I mean you ask me to go all the way with Estey? And you this morning aren't prepared yourself to go all the way with Estey. Estey is saying to you, negotiate. This isn't the kind of thing you settle in a courtroom. He says, negotiate; I was close to a deal.

Mr. Premier, is the reason that Justice Estey was pulled off short of a deal was because it didn't fit with your political agenda? Is that the reason Justice Estey was pulled off before he could come to a conclusion? Is that why you yourself today will not go all the way with Justice Estey? Is that the reason, Mr. Premier?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Deputy Speaker, the lack of credibility of the official opposition is confirmed again by that question. The member opposite knows full well that at the request of Mr. Justice Estey the government extended the time limit and his mandate in an attempt to mediate a settlement on one or two occasions. If Justice Estey had asked us to extend it again, we probably would have done the same. You cannot . . . (inaudible interjection) . . . Well yes, the answer's probably because he never did ask for an extension. We extended it every time that he asked that it be extended. So the assumption about pulling him off, in the words of the member opposite, is absolutely erroneous and totally incredible. The result is that after six months he was not able to effect a settlement.

Now I say to the opposition leader very simply this. This deal which is so bad that it needs revision, has a way out of it for everybody — Justice Estey's recommendations. That's what he recommends. We accept those recommendations. Do you and does the Liberal Party accept the principles of those recommendations as the basis for a settlement? Because if you do and if FCL does, let's sit down right now and do it. We'll get a deal.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Deputy Speaker. My question is to the Premier. Mr. Premier, Justice Estey says, we came extremely close to settling the issue. The difficulty was a time limit.

Mr. Premier, why was there a time limit when Justice Estey said, I am extremely close. Why did you not want Justice Estey to prevent . . . why did you want to prevent him from finishing that agreement? Why was it?

Was it because your friend, Mr. Ching, couldn't exact his political revenge on FCL? Was it because the Minister of Finance had some grudge from 10 years ago, with FCL? Why, if Justice Estey is willing to go public today and say, I was extremely close but the time limit imposed upon me prevented an agreement from happening, why would you not have given that time limit? Why would you desecrate this Legislative Assembly with legislation to take away the rights of

240,000 co-op members? Why?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, if there has been desecration of this legislature, it has been because you, sir, and the former premier when you sat on this side of the House, entered into this unconscionable, unconscionable transaction in secret — in secret — 10 days before the provincial election in 1986, and failed to table all of the documents. That is where the desecration of this legislature took place, sir.

Secondly, how dare you get up and drag Mr. Justice Estey into this argument about the question of having more time? I have told the Leader of the Opposition, and I repeat again: any time that Mr. Justice Estey wanted a time extension, we gave it to him. He did not request the time extension in this instance, to the best of my knowledge. The report was filed because he had run out of steam.

I had attended meetings with FCL and the federal government, and FCL was not prepared to budge. I was there. Justice Estey knew it, and he knew he had to write the report because it had come to a logical conclusion.

Now look here, admit that what you did was you saddled the taxpayers of Saskatchewan with one of the biggest financial albatrosses that we have had, a mess that we've got to clean up. And if you're genuinely interested in the taxpayers of Saskatchewan, tell us that you support the principles of Estey. Stop this cheap politicking.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Deputy Speaker. My question is to the Premier. Mr. Premier, I think if 240,000 co-op members and taxpayers around this province have a choice between Mr. Justice Estey and you and your friends over at CIC, Mr. Ching and Mr. Dombowsky and Mr. Banda and all the rest that you've put in there, I think if they have a choice as to who is telling the straight goods on this issue, Mr. Premier, I think they'll side with Mr. Justice Estey.

Mr. Justice Estey — not I, sir — says, I was very close; if I had had more time . . . Why wouldn't you have given the Justice more time if he was that close? He must have communicated that to somebody. Or don't your ministers, with their political grudges, tell you, Mr. Premier, that Mr. Justice Estey was close? What's the answer, Mr. Premier?

Hon. Mr. Romanow: — The answer, Mr. Deputy Speaker, is the answer which is obvious to everybody based on the report and the answers that I've given. That is the answer.

The Hon. Leader of the Opposition says that the people will take Estey over anybody else. That's exactly why we appointed Estey. That's why the FCL accepted Estey. That's why Estey filed the mediation report recommending the solution. He says that

everybody is going to accept Mr. Justice Estey.

All right, Mr. Leader of the Opposition, you support Estey. Will you accept the Estey report? Tell us that you accept him and that you accept the principles of the negotiated settlement because we do. Don't duck and weave and dodge and run away from this. Don't shilly-shally. You got the province in this mess. For once have the guts and courage to tell the truth and tell the people, are you for Estey or against him. Tell us that.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Deputy Speaker. My question is to the Premier. The problem, Mr. Premier, is the crass politics that you and your ministers indulge in all the time on this issue.

The Minister of Justice stood in the legislature the other day on second reading and talked about a letter, a letter from FCL to Crown Management Board. The Minister of Justice has the gall, Mr. Deputy Speaker, to make like this letter had only been sent once, and in it that FCL was threatening to mothball the refinery and the upgrader. Thirty-two times, Mr. Deputy Speaker, that letter has been sent to Crown Investments Corporation, and 32 times Crown Investments have sent back the same form letter.

It was agreed to four years ago, yet this government has the audacity to stand in this legislature and use that letter as a scare tactic for their political reasons. That is why, Mr. Premier, people don't believe you on this issue. Your minister would succumb to that; no one believes you, Mr. Premier.

Why don't you ask Justice Estey, who was so close, to come back and see if he can finish the job. Because, Mr. Premier, the people don't believe you've got anybody capable of doing it. Why don't you do that today, Mr. Premier? Bring Justice Estey back.

Hon. Mr. Romanow: — Mr. Speaker, I am prepared to consider the use of people who can assist in a negotiated settlement. I repeat again, over and over again, and I want you to recognize . . . you may not accept it for political reasons, but I ask you just once to give us a little bit of credit here, as the Premier of the province of Saskatchewan. Whether you accept my ideology or my policy is another issue, but for the time being I'm the Premier.

I have said to the president of FCL, I'm ready to meet. I've never seen the situation in the history of the province of Saskatchewan — I'm sure it never happened when the former member, when he was the premier — that when a Premier calls and says, let's meet, the person of whom he asks simply says, don't call me, I'll call you; and then never get a call.

I repeat again, notwithstanding that slight . . . I don't take it on any personal basis. I don't. I've known Vern Leland for years. Vern Leland is still my friend; that's how I view him. I've known him for years. I do not accept that as a slight. I say the offer stands. I have not

been able to get them to respond.

Now the hon. member talks about the letter. He says it's out there for 32 times or 32 months.

Now just stop to think what you said. Once a month for 32 months FCL threatens the province and the taxpayers of Saskatchewan of mothballing the letter . . .

An Hon. Member: — Mutually agreed to.

Hon. Mr. Romanow: — No. Mutually agreed to — we didn't sign the letter. They gave the notice for 32 months. You people should have taken the action to begin with. Under that contract the only thing they had to do was give the deficiency notice. They added in that letter the threat of mothballing it and throwing this FCL upgrader situation into economic circumstances. And you know what you did? You did nothing. In fact when they told you to get rid of the negotiators, you did. Shame on you for not telling the truth on that.

Some Hon. Members: Hear, hear!

The Deputy Speaker: — Before we proceed any further, I want to ask the cooperation of the members to not interfere when members are answering questions. When we ask a question, we should allow the ministers the courtesy of being able to make a response without hindrance.

Complaints to the Ombudsman

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, I find it incredible that the Premier would stand in his place today and on one hand reiterate one question and criticize my colleague for using Estey. And then turn around at the end and all of a sudden turn around and flip-flop. And you begin to wonder how can the people of Saskatchewan ever put any trust in this Premier any more. I trust that as I question the Minister of Justice, the Minister of Justice will be a little more forthcoming.

Mr. Minister, the provincial Ombudsman annual report was tabled in the House on Wednesday. And it's interesting to note, in fact it's not surprising, that the number of complaints against the government has once again increased. There are more than 1,620 people who find themselves helpless against the government, people with nowhere to turn except to the provincial Ombudsman.

Mr. Minister, when is your government going to start developing some government policy to decrease the number of people who are forced to go to the Ombudsman?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Well, Mr. Deputy Speaker, we are very proud of the fact that it was an NDP government which brought in the Office of the Ombudsman to this province in the first place.

Furthermore, we have gone out of our way, both in this administration and in the previous NDP (New Democratic Party) administration under Premier Allan Blakeney, to cooperate with the Ombudsman and to respect the office and to do everything we could to respond to suggestions and to complaints from the Ombudsman. That continues to be our position, so we're not in any kind of conflict situation at all. We respect the office, we're proud of having instituted it, and we will continue to cooperate with it.

Some Hon. Members: Hear, hear!

Mr. Toth: — Mr. Deputy Speaker, it's certainly appropriate that the government formed the Ombudsman's office because people have no place to turn. In fact, in increasing numbers they're going to the Ombudsman because of the problems they're facing. It's no wonder they're going to the Ombudsman because they feel under attack by your government.

The Ombudsman, in his report, is giving a stinging indictment against your government. It is proof that your government has failed. Mr. Minister, your government has broken contracts and it's about to break another one. It's removing people's right to be free from arbitrary search and seizure. It's been cancelling tender calls and changing the rules in the middle of the game. Cutting the needy off drug assistance; closing down seniors' homes so that people have nowhere to go.

Mr. Minister, your government has nickelled and dined people to the extent that they don't know where to turn. Mr. Minister, when will you lay down your arms and serve the people you've been sworn to serve, not to attack?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Mr. Deputy Speaker, one wonders what question the member wants me to answer there. But let me try.

In connection with the Ombudsman's latest report, I haven't carefully checked the numbers, but it was my impression on looking quickly at the report that most of those cases were complaints that were filed with the Ombudsman's office during the time of the former administration.

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Now I'm prepared to check that out but that was my impression on first looking into the report.

Secondly, the member talks about nickelling and diming people, and I just simply remind the member that when this government took office on November 1, 1991, we found ourselves faced with the worst financial mess ever faced by any government in this country at any time. And we have had to do everything we could to try and get control of the

province . . . of the problem created by the members opposite. And that's the long and the short of it.

Some Hon. Members: Hear, hear!

Mr. Toth: — Thank you, Mr. Speaker. The response by the minister indicates we must have hit a nerve because he's gone back to the deficit and the reasons they had to do this. He forgot totally about the fact that 300 more people have been brought before the Ombudsman in the last . . .

The Deputy Speaker: — Order, order. Order. Because of the interjections from both sides, I can't hear the member ask his question. So I'd like you to respect the member when he asks his question as we will respect the minister.

Mr. Toth: — Thank you, Mr. Deputy Speaker. Mr. Minister, the other day one of your colleagues indicated that a new era had dawned, there would be a non-confrontational government in approach to people, and yet we turn around, people find they have nowhere to turn. And if indeed we've reached a new era, why have there been an increase of complaints to the Ombudsman in the last year?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Mr. Deputy Speaker, most people go to the Ombudsman because they've had a case which has been around for many, many years and they haven't been able to get satisfaction from it. Now I don't have information as to the dates on which the complaints were filed that make up the workload of the present Ombudsman. I'd be glad to do that but I haven't yet done it.

But that's a healthy thing. There is some place for people to go if they're frustrated with the process at any level. I reject, I reject entirely — if I can have the attention of the member — I reject entirely the suggestion that it is the policies of this government, budgetary or otherwise, that have led to any increase in the workload of the Ombudsman.

That's a healthy outlet. It was healthy where it was tried in the Netherlands, or in the European countries. It's a healthy process here. We instituted it. We believe in it and we're determined to make it work well.

Some Hon. Members: Hear, hear!

The Deputy Speaker: — Why is the member on her feet?

Ms. Hamilton: — With leave, to introduce a guest, Mr. Speaker.

Leave granted.

INTRODUCTION OF GUESTS

Ms. Hamilton: — I would like to introduce to you and through you to members of the Assembly, a past

colleague of mine on Regina City Council that is in your gallery, Mr. Deputy Speaker, Mr. Joe McKeown, and ask all members to welcome Joe to the Assembly this morning.

Hon. Members: Hear, hear!

Hon. Mr. Lingenfelter: — Mr. Deputy Speaker, with leave, just to join with the member to welcome Joe to the constituency — a constituent of mine — and I believe the longest-serving member of the Regina council. So welcome to the Assembly today.

Hon. Members: Hear, hear!

The Deputy Speaker: — Well I didn't hear any dissent so I assume that leave was granted.

ORDERS OF THE DAY

MOTION UNDER RULE 42

Federal Actions Against Prairie Farmers

Hon. Mr. Cunningham: — Mr. Deputy Speaker, I rise pursuant to rule 42. I would like to move the following resolution:

Be it resolved that this Assembly unanimously condemn the federal government for their arbitrary actions which are in opposition to the wishes of prairie farmers by:

attacking prairie farmers and the Canadian Wheat Board by removing barley from the sole jurisdiction of the board;

burdening farm families with increased debt by eliminating interest-free cash advances;

introducing legislation which will increase farmers' grain handling costs.

The Deputy Speaker: — Order, order, order. The minister has only been on his feet for a few seconds and already members are interjecting. Why don't we listen to the minister, wait for what he has to say, and usually there are opportunities to debate what it is that is being proposed. Let's wait and see what the minister will say.

Hon. Mr. Cunningham: — Mr. Deputy Speaker, again I will read the resolution:

Be it resolved that this Assembly unanimously condemn the federal government for their arbitrary actions which are in opposition to the wishes of prairie farmers by:

attacking prairie farmers and the Canadian Wheat Board by removing barley from the sole jurisdiction of the board;

burdening farm families with increased debt by eliminating interest-free cash advances;

introducing legislation which will increase farmers' grain handling costs by changing the method of payment;

all of which will contribute to reducing the number of prairie farm families.

And further, that this Assembly send a communique to all federal Conservative leadership candidates requesting that they make public commitment that these harmful decisions will be reversed.

I so move, seconded by the member from Humboldt.

Some Hon. Members: Hear, hear!

The Deputy Speaker: — Order, order. Rule 42 states:

A motion may, in case of urgent and pressing necessity previously explained by the mover, be made by unanimous consent of the Assembly without notice having been given under Rule 41.

Is there unanimous consent to proceed to the motion? There is no unanimous consent.

An Hon. Member: — On a point of order, Mr. Speaker.

The Deputy Speaker: — What is the member's point of order?

Mr. Neudorf: — Before we know whether or not we can give leave, we would have to first of all get confirmation from the Chair that the motion itself is indeed legal and in conjunction with the rules of this Assembly. I have not heard your ruling on that.

The Deputy Speaker: — Order. Order! Order. Order. I hesitate to say to the former premier that, persist and make my day, but . . .

Some Hon. Members: Hear, hear!

The Deputy Speaker: — Because the member for Estevan has interjected on many occasions this morning, and the House cannot function well. The House cannot function well as long as members interject. So I want to encourage the member to respect the rules of the House and to not continually interject.

An Hon. Member: — Mr. Speaker, on a point of order.

The Deputy Speaker: — What is the member's point of order?

Mr. Neudorf: — Mr. Speaker, I don't think that I have ever heard the Speaker of this Assembly use threats to a member and in a demeaning statement that you just made. I would ask you, sir, to reconsider that statement and withdraw that.

(1045)

The Deputy Speaker: — Order. Order. Order. Order. It's entirely within the realm of the Chair to caution members as I have done and to do it in my own way.

Order. Upon review of the motion, the motion seems to be in order except for one word. We'd ask, in the first line that "the Assembly unanimously condemn" and that sets a condition on the motion that is not acceptable. So therefore the motion is not in order.

An Hon. Member: — On a point of order, Mr. Speaker.

The Deputy Speaker: — What is the member's point of order.

Mr. Neudorf: — Mr. Speaker, my point of order is that there is a point of order that I raised, and I did not hear your ruling on that, and therefore I'm asking you to make a ruling or indicate what you propose to do with it.

The Deputy Speaker: — Is the member . . . is this with respect to the motion pursuant to rule 42 that I . . .

Mr. Neudorf: — No, Mr. Speaker. It's your Clint Eastwood statement that I want clarification on.

The Deputy Speaker: — Order, order. I find the member's point of order not well taken.

Hon. Mr. Cunningham: — Mr. Speaker, before orders of the day I would like to move an emergency resolution pursuant to Bill 42, which will be the resolution with the offending word removed.

Mr. Deputy Speaker, I would like to move the following resolution pursuant to rule 42:

Be it resolved that this Assembly condemn the federal government for their arbitrary actions which are in opposition to the wishes of prairie farmers by:

attacking prairie farmers and the Canadian Wheat Board by removing barley from the sole jurisdiction of the board;

burdening farm families with increased debt by eliminating interest-free cash advances;

introducing legislation which will increase farmers' grain handling costs by changing the method of payment;

all of which will contribute to reducing the number of prairie farm families.

And further, that this Assembly send a communique to all federal Conservative leadership candidates requesting that they make a public commitment that these harmful decisions will be reversed.

I so move this, seconded by the member from

Humboldt.

Some Hon. Members: Hear, hear!

The Deputy Speaker: — Order, order. Does the minister have the unanimous consent of the Assembly to proceed?

Leave not granted.

GOVERNMENT ORDERS

ADJOURNED DEBATES

SECOND READINGS

Bill No. 55

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Shillington that **Bill No. 55 — An Act to amend The Workers' Compensation Act, 1979** be now read a second time.

Mr. Goohsen: — Thank you, Mr. Speaker. It's indeed a pleasure to be able to get up and to discuss Bill 55 with the Assembly and with in particular the minister in charge, who I am sure will be very much interested in hearing a recap of our arguments in debate as to why this Bill needs to be torn up and redone.

We are hopeful that today we won't have any of the problems that we had last night with rattlesnakes getting loose on the Clerk's table and that we will in fact be able to be serious about the Bill and put forward the kinds of argument that the government can accept and that they perhaps will see the light of day and consider all of the points that are being made from this position on behalf of all of the community at large.

Mr. Deputy Speaker, the fact of the matter is that, as I pointed out yesterday, this Bill is extremely important to an awful lot of people. This is a business issue and as such does not gnaw at the heart and the soul of people the same way that a Bill like Bill 38 does, but just as Bill 38 was very important to the morality of people in our society, this Bill has the same weight and the same effect to the business community and to the employees of our province.

The reality is, Mr. Speaker, that there are several points in this Bill that have to be reviewed and discussed and pointed out. It is not only the business community though that is upset. And because I am the critic for the official opposition for Labour, I want to first of all take the position of the employees and the workers of this province with regards to this Bill.

If it were only the business community, Mr. Deputy Speaker, who were upset with this Bill and the things that are going to happen in it, it might be said that the government would have some legitimacy, being a labour-oriented government who has of course had many people state that their objective was to bring good legislation for the union leaders of the province in repayment for their support in the past election.

But that point can't be well taken in a Bill that also goes against the very employers and working people of the province. This whole Bill, Mr. Deputy Speaker, is going to backfire. Because, quite simply, let me put forward a couple of the concerns that working people themselves have expressed to me.

In the Bill there is a provision that previous injuries will be allotted to a new employer's responsibility. What that means, very simply — and I want to give a graphic description of this, Mr. Deputy Speaker, so that folks will understand exactly how this might work — suppose a worker like the member from Humboldt might have taken a job lifting cement bags. And suppose he hurt his back doing that, and he went through a rehabilitation program and the board ruled that he no longer was physically capable of lifting cement bags. He therefore could not go back to that job. So he would be retrained perhaps, being a young, bright fellow; he would be retrained perhaps to become a computer operator. And with his intelligence and skill that I know he has, he would then be able to run a computer.

He would then be assisted by the provisions of the old Act — and the new one — to find a job in that area in a job search. When he found that job, supposing one day the new employer said to him, we should have that computer over by the other wall. And the member from Humboldt, being an ambitious kind of a fellow, wouldn't phone maintenance to move it; he would simply say, oh shucks, I'll just move that over there myself. So he reaches down, picks up the computer, and oh, there goes his back again. The old injury has flared up and caused him now to be in such agony that he can't work.

The reality of the new Bill is that the new employer is responsible for the injury to that old injury and the compounding of that injury. What that does, Mr. Deputy Speaker — and it's okay from this point of view so far because immediately you think, well, the worker should be covered and all that — but here's what happens, and here's where the backfire is and the backlash comes from.

The employer, seeing that he is now responsible for that old injury, says in his mind, I've got to find a way not to be responsible for those old injuries. So what he will do is fall back on an old categorization — the term "accident prone." And what he will do is that every person who comes in looking for work that is identified as ever having had a claim with Workers' Compensation, will automatically be categorized by those employers, all employers now, as being accident prone. That is an acceptable term under the law in Saskatchewan for a right not to hire an individual. They will therefore be declared to be accident prone and not given a job. They will in fact become blacklisted from being able to work in the province of Saskatchewan.

So every worker who ever has an injury will automatically, in an unwritten way, become blacklisted from being able to work in our society

because they will be tagged with being accident prone, only because the employers won't want to take the responsibility of injuries that workers have received while working with other employers on other jobs.

And you see how the thing can evolve and snowball, Mr. Deputy Speaker, so that in fact a large group of our people working in the workforce could end up being discriminated against in a very unwritten and unaccepted or announced way. So I think we have to caution the minister that this Bill is bad on that perspective.

There's also the problem that I raised last night that I will quickly throw into the mix so that I can have this whole argument together in one time. And the reality is that an awful lot of businesses in this province run on a very tight margin. There isn't a big profit for many, many businesses in this province. We have many small businesses that run just on a break-even margin with a wage to themselves and to their family members and a wage of course to the employees that they have.

If the rates of anything go up in this depression, it automatically means a financial drain on the business community that may cause them either to go broke or to make that ultimate decision to pack their bags and quietly steal away. They declare bankruptcy or they move to Alberta — one or the other. Or maybe they just close down and disappear and go some place else and find a new life. The reality being though that when those businesses are gone, the jobs are gone with them.

So on two fronts the employees are now going to suffer if this legislation goes too far and becomes so unreasonable that the business community can't live with it.

So there is a backfire from the employees' point of view that this government needs to consider. We also need to consider from the business people's point of view today, Mr. Speaker, their concerns which I want to lay out directly in this argument and in this debate.

Under the new Act there will be downloading. Medicare costs that originally in our old system were paid for through the medicare system can and will be downloaded onto the premium structure of the business community. That doesn't just mean the business community as in the big multinational corporations, Mr. Deputy Speaker. That means every employer in the province — third-party employers, school units, local rural municipalities, urban municipalities, all of those structures throughout our society that carry and use workers' compensation as a protection for their workers. All of that segment of society will see their premiums going up. And that is a downloading of the medicare costs that should not be tolerated by business because it's not a business responsibility to take care of the medicare of this province on their own backs. They pay their share through their tax structure but not through the workers' compensation premiums. That's unfair.

The vocational rehabilitation program, while it has been in place and has worked well, is being expanded in this legislation to a very unacceptable level. Because here again if rehabilitation leads to an educational process, Mr. Deputy Speaker, where in fact the educational costs of putting people into an upgraded intellectual level or understanding level, that should not be the responsibility of the premiums of the workers' compensation people who carry that protection.

The fact is, Mr. Deputy Speaker, that here again the government is attempting to download the costs of education onto the business community, and that's unfair. It's wrong. Because the business community, while it has a responsibility to help with the costs of education, should not have that full cost on their backs alone. Society should share the cost of education for all people. And the sharing is the problem because it's not here.

Job searches, too, Mr. Deputy Speaker, have in fact been a part of the old legislation for a long time, and it's been done fairly because there is a limit to how far it goes. Here again this area is being expanded, Mr. Deputy Speaker, and the reality is that that is unfair because here we are now going into taking away the cost of job searching from Canada Employment and Immigration, Canada manpower centres, all funded by federal government agency. And we are now saying that by expanding this role to the Workers' Compensation, we are expanding the role of the responsibility of premiums to the business community, and that's not fair. They have a responsibility to share in those costs, as taxpayers in our nation and as good corporate citizens . . .

(1100)

The Deputy Speaker: — Why is the member on his feet?

Mr. Johnson: — To ask for leave to introduce guests, Mr. Speaker.

Leave granted.

INTRODUCTION OF GUESTS

Mr. Johnson: — Mr. Speaker, I would like to take this opportunity to introduce to you and to the members of the Assembly through you, 25 grade 6 students that are in the Speaker's gallery from the Hartley Clarke Elementary School in Spiritwood.

They're here in Regina touring some of the sights and spending an hour and a half or so here in the Legislative Building. Their teachers are Mr. Robertson and Mr. Nesland, and two chaperons, Mrs. King and Mrs. Koetse. I would like everyone in the Assembly to welcome the students to the legislature.

Hon. Members: Hear, hear!

ADJOURNED DEBATES

SECOND READINGS

Bill No. 55
(continued)

Mr. Goohsen: — Thank you, Mr. Deputy Speaker. I would of course join with the member in welcoming all that attend our Assembly and we hope you have a good day in Regina and that you will find some educational purpose to what we do here.

We are discussing today Bill 55, which is the Bill that will revamp The Workers' Compensation Act. And our position as an official opposition, as I pointed out and will for the members who are visiting, our position is that this Bill goes too far.

The Deputy Speaker: — I will caution the member not to include the guests in the gallery in the debate and will ask the hon. member from Maple Creek to just proceed with his deliberation on the Bill.

Mr. Goohsen: — Thank you, Mr. Deputy Speaker. I'm sure that the minister will want to reconsider his position on this Bill as he hears all of the arguments that we are going to present in the debate today. There are several different points that have to be made because this Bill is not a very big Bill in physical structure. I have it in my hand here; it's very small. I think it's only 13 pages and the last one is even a blank page.

And we have found it necessary to come up with 15 amendments to this little, bitty piece of work that does so much. There's so much wrong, Mr. Deputy Speaker, with this Bill that it almost needs to be written in with amendments to even try to get it close to being acceptable to both the working people and to the business community.

Everyone that's going to be covered by this Bill has now found fault with it because it was done too hastily. It was done without the proper consultation, I believe, because if there had been good consultation, it couldn't have turned out so bad.

I'm saying quite frankly, Mr. Deputy Speaker, that the government should take this Bill, tear it up, throw it into the garbage and start over. That's my point.

And here is the reason: the high cost of business in this province in a depression cannot be tolerated because it will cause people to go broke. The government itself admits that there will be a 10 per cent increase, ten and a half per cent increase. The business community says it will be 300 per cent.

We know very well that each side in an argument or a debate will use the extreme. And our understanding of the way our society operates I think tells us that most likely it would fall in the centre somewhere.

So suppose it's 150 per cent. Can any business in the province of Saskatchewan survive in a depressed economy with 100 or 150 per cent increase? That's

the question business has to ask itself; and the government now has to ask, is that the way it's going to be? Is that acceptable? Will it work?

I don't think it will. We have in fact from the *Leader-Post* some evidence that the government itself doubts what it's doing in this Bill, Mr. Deputy Speaker, and I think that needs to be pointed out so that the rest of the back-benchers will know that there is some serious doubt within the government and they won't be shocked if the minister does in fact say, look, we may have gone too quickly with this; perhaps we should go back to the drawing board and redraft this thing.

And I'll refer to the statement that he made and quote from the paper just for the record:

"I'm not so sure we could do a proper job of three (labour) bills (this session)," (this is the minister's name, and I won't repeat it) said, referring to controversial amendments to the Occupational Health and Safety and Workers' Compensation acts the government has already introduced this spring.

"I'm not so sure we did a proper job of the two bills."

Now that refers to The Workers' Compensation Act that I'm presently discussing. The minister himself has publicly stated in the *Leader-Post*, recorded by Mr. Mandryk, that in fact he doubts whether he did the job right.

Having made that admission, we make our point, Mr. Deputy Speaker, that in fact so many of the principals concerned are against this Bill that now we should back up, tear it up, redraw it, and start from the beginning.

To make my point further, I'll quote from the *Leader-Post* of Regina where it says "Injured workers could be worse off", a subheadline. "Proposed act changes concern some." It deals from the point of view of workers and it deals from the point of view of the people who did the work in preparing this.

Now it is:

The committee appointed by the government to review the Workers' Compensation Act has some concerns . . .

That's the first line. I'll quote here later on. And it says:

In a letter dated April 26, Muir raised concerns one section of the act might overrule other sections that have been "carefully drafted to protect the interests of both employers and employees."

You see Judge Muir, who was on the committee that the government set up to make recommendations, is now saying that the Bill itself has been improperly drafted and will negate the very things that he has

suggested that should be done. So the Bill itself is fundamentally flawed, in my opinion, according to the statement made by Judge Muir. If that be the case, we again make our point that the Bill should be thrown away and redone.

As further evidence in my argument, Mr. Deputy Speaker, we go to the business community's claims that longer claims will result as a result of the poor drafting of this Bill. The deeming part of the legislation has always been an upsetting factor to the labour people that I am supposed to work for and represent in my capacity here. They have been upset with it. However even they will concede that there is a necessity in this type of legislation to have some way to not have retroactivity that would cause a multitude of perhaps lawsuits from past experiences all of a sudden being dug up and passing on the costs of court costs and all those kinds of things that go with that.

This retroactivity is also one of the things I believe that Judge Muir has referred to as potentially very, very hazardous and potentially very costly. So, Mr. Deputy Speaker, on that point we also say that this Bill is unacceptable.

We are saying though, from my point of view, that we do need to protect workers in this area, the area that deeming covered. There is 1 per cent of the people who make claims to Workers' Compensation who have serious problems getting attention, of getting proper settlements or finalization to their needs. That 1 per cent, while it is small, is very important. Because it's okay to say there's 99 people in this room that are happy and I'm the 100th person; if I'm unhappy because my foot is broken, that's pretty important to me. The other 99 don't feel any pain and they don't care whether I get any compensation, probably because it's not hurting them. But to me, that foot hurts and I want something done about it.

That's the way the workers feel. The 1 per cent that make claims against Workers' Compensation want easier access to the arbitration process or to a tribunal process — call it whatever you want — a mediation process, whatever term, but there has to be some way that people can appeal their problems much more quickly than what we are doing at the present time. That's essential, Mr. Deputy Speaker, and we point that out.

There are some things in workers' compensation that do need attention. We're not saying that the whole thing is perfect as it used to be, because times change. The world evolves. We're going into a more technological society. Obviously old laws will have to be updated to make them relevant to today's conditions.

But the sweeping changes that we're seeing, along with the poor drafting of the Bill itself, lead us to argue that we have to start over with this one. The educational costs I have already pointed out to you under the vocational rehabilitation, but those educational costs need to be emphasized because most people haven't recognized that in fact, Mr.

Deputy Speaker, that's what it becomes.

It becomes a re-education of people because quite simply what happens when a worker is hurt to the point that he can no longer work physically, he could have done that job with a grade 8 education or a grade 10 education. But with our changing technology, there are fewer and fewer of those kinds of jobs that can be done with your hands without having a better education.

So what we end up having to do is take that person and upgrade his basic skills, his basic education, from that grade 8 to a grade 12 or a grade 10 to a grade 12 and maybe even some university, in order to qualify them for those new jobs, like the computerized job that I mentioned earlier in my argument when I referred to the member from Humboldt perhaps being the victim. And I'm sure he will understand that.

Most of us know that we can work with our hands with a grade 10 education. And we can make a good living for ourselves because there's a need for those kind of workers in our society — desperate need for them — and they do a tremendous job for us.

But when they're no longer able to use their muscles, and their bodies are hurt, then they have to move on to more technical areas where physical strength is not the prerequisite to holding the job. And so when you have to use your mental skills to make your living, you then have to re-educate yourself.

The point we're making, sir, is that the educational costs should not be the responsibility of the employer where the worker got hurt. That is an upgrading educational need that has to be considered by the whole of society through our educational system.

Mr. Speaker, I have here, and I think I pointed this out yesterday, a lot of material on this Bill. Bill 38 we discussed yesterday, and I pointed out to this Assembly that I had never received so much material on a Bill as I had on Bill 38, and that's a fact. Bill 55 is the second biggest pile of material that I have received and in fact must be very close to the same amount. There is that much concern about this Bill in the business community.

All of the other Bills have been important, but these two seem to have captured the concern of our society — this one, along with the occupational health which is Bill 56, the one to follow Bill 55. They lumped the two together because they seem to have a joint effect on everybody that is concerned. There seems to be a paralleling for just about everyone — workers and employers both equally.

And so I have, Mr. Deputy Speaker, the financial impact of the Workers' Compensation Board of implementing the regulations contained in the report of The Workers' Compensation Act review committee. That is quite a document, Mr. Deputy Speaker. I'm not sure — the pages are not really numbered — but I am quite sure that there has got to be 40 or 50 pages of material in that document alone.

We have had all kinds of contributions of newspaper clippings from both the business community and from workers who have been injured in the past who are begging us to try to find ways to help them to resolve their problems.

We have here Workers' Compensation Board: Costs to rise; business groups opposed — in the news clipping. We have from the Saskatchewan business coalition news release: Workers' Compensation proposal questions. Here these good folks were willing to sit down, Mr. Deputy Speaker, and write up questions that needed to be asked of the government about this Bill, proposed Workers' Compensation Act amendments. And these are the suggestions they make that go through some 15 or 20 pages here of material that they have set, all for an Act as thin as the one that I showed you previously.

We have from The Workers' Compensation Act amendments from the Saskatchewan Home Builders' Association. And they have here: Amendment cost impact residential housing. All kinds of material and recommendations on things that need to be done in order to protect their interests in all of this process.

I have from local 601 a letter congratulating us on our participation with the needs of workers. And I was very happy to receive that. In fact that was one of the things that has made this session worthwhile to me, to find out that there were some people in the employee groups who were happy with the work that we were doing as an opposition to further their causes in the province of Saskatchewan.

(1115)

We have, as I pointed out, Mr. Deputy Speaker, several amendments. And I'm not sure, but I think I'll just read through a few of them to give you an idea in a brief little quotation of some of the things that will have to be looked at in the legislation. This is not the legislation; these are the proposed, suggested reasons why particular parts might have to be changed; now recognizing of course, Mr. Deputy Speaker, that our amendments will have to be introduced during Committee of the Whole and that's where we intend to do it.

But these are the reasons why. And perhaps, perhaps, the government could steal our ideas, reword them a little bit, save some face, use the amendments, make the thing better. We don't care; I'm not interested in the politics of this thing. If they want to take credit for making the necessary changes, go ahead. But let's not ruin the province of Saskatchewan.

Let's give them the ideas. We'll plant the ideas and they can steal them and use them and make this thing at least work, even though I do suggest that it would be better just to tear it up and start over.

I want to point out that under section 3(b), we think that this defines the employers' association. It was under a similar provision that the Minister of Labour

designated the unrepresentative Mechanical Contractors as the employer association for almost the entire construction industry. This definition is established . . . or rather, especially disturbing as it allows recognition of an employer organization made up of people who are not employers at all, whether or not they are employers.

We say that that kind of a section has to be deleted because it causes far, far too much controversy and in fact allows a total distortion of the word "representation."

That's just an idea, Mr. Deputy Speaker, and I think I've gone on with this Bill long enough now to make the points that need to be done and to make our arguments and I know that some of my colleagues want to speak on this Bill as well. And so I'm going to say though, very simply, that when we deal with The Occupational Health and Safety Act, Bill No. 56 — and I think that will be done later today according to the order paper — the same arguments that are done in this Act mostly apply to that one. And we have to pretty well tie the two together because they are a package; even though they are written up as separate legislation, they have an equal impact on the people in both the business community and in the labour community.

So just in summarizing, Mr. Deputy Speaker, the people in our labour force, the employees of Saskatchewan, have serious concerns about the needs of their employers and the needs of themselves.

The business community from every organized point of view and perspective and every group in the province that I'm aware of have expressed serious concerns about these Acts. The government themselves, through the minister in the paper, has said he is not sure that these Bills were properly done. The judge who was on the head of the committee that the government appointed to do the work to come up with the ideas that needed to go into changing the legislation has now said that there is confusion, that the drafting of the Bill is not exactly right.

And so everyone concerned is concerned. No one is saying that this Bill is good: not us, not the government, not business, not labour, and not even the people that worked on the committee to come up with the recommendations.

So I say in conclusion, Mr. Minister, throw the Bill in the garbage for now. Let's sit down this summer and redraw it. Let's get all of the folks that are represented in the impact of this legislation, let's get them all together, let's redo this thing. Let's get it right this time. Let's do it so that Saskatchewan can prosper and survive. Let's do it for the good of Saskatchewan. Let's start over.

Thank you, Mr. Deputy Speaker.

The division bells rang from 11:20 a.m. until 11:40 a.m.

Motion agreed to on the following recorded division.

Yeas — 26

Romanow	Lautermilch
Thompson	Murray
Wiens	Hamilton
Simard	Trew
Shillington	Flavel
Anguish	Roy
Atkinson	Scott
Kowalsky	Crofford
Mitchell	Harper
MacKinnon	Keeping
Upshall	Kluz
Hagel	Renaud
Bradley	Langford

Nays — 6

Swenson	D'Autremont
Muirhead	Goohsen
Toth	Haverstock

The Bill read a second time and referred to a Committee of the Whole at the next sitting.

Bill No. 56

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Shillington that **Bill No. 56 — An Act respecting Occupational Health and Safety** be now read a second time.

Mr. Goohsen: — Thank you, Mr. Deputy Speaker. As I spoke to the Assembly earlier today, Mr. Deputy Speaker, and indicated that an awful lot of the concerns with Bill 56 are relevant to the same arguments that were made on 55, I will refer those people who are particularly interested in our objection to Bill 56 to the *Hansard* that will be published with regard to my arguments made earlier today on Bill 55. Many of them will apply and should be considered along with the arguments that I will put forward now as to why we oppose the amendments to The Occupational Health and Safety Act.

We have had correspondence from many different organizations. We have material from the construction industry advisory committee. That's an advisory committee, Mr. Deputy Speaker, set up by the government itself. We have the Saskatchewan Construction Association with 700 union and non-union members and 15 association members. They also represent some non-residential contractors.

We have information from the Saskatchewan Construction Labour Relations Council. We also have material and presentations from the unionized Mechanical Contractors Association of Saskatchewan. And we even have some information on file from the boilermakers' construction association of Saskatchewan and from the Saskatchewan Home Builders' Association Inc.

Many, many other smaller groups have also made

presentation to us pretty well with the same theme from all groups concerned.

I have not, I'm happy to report, received one piece of information from any group saying that we should have a negative approach to bringing about safe conditions in the workplace. I see a very responsible response from all of the parties concerned. Safety is of paramount consideration to everyone and in all of the presentations that I've read and all the letters that's I've received. And I'm happy to report that, Mr. Deputy Speaker.

Unfortunately, the government has chosen to take this opportunity to amend the Bill in such a way that it makes it extremely undemocratic. And I want to make that point, as well as the point that here again we are associated with the cost of business increasing. And here again we have to go back to that argument that, in a depression where costs rise, those costs must be very carefully weighed and very carefully measured against the results that you're going to have in a positive way. And you have to weigh the positive results against the negative things that will happen if the costs become so high that business can no longer function.

I want to discuss the vicarious liability that is in the Bill. Here is a very dangerous precedent set in legislation. And I'm sure that most people can understand that if directors on a board who are responsible for making decisions of corporate activity are held responsible for things that they don't do as well as things that they do do, that is a serious deviation from the past approach to how we legally have controlled the responsibilities of people who sit on the boards of directorships throughout our society.

And that, Mr. Deputy Speaker, surprisingly enough is what is happening here in this legislation. We have a situation where directors on corporate boards will in fact be held legally responsible for decisions that they have not made if it is established by a court system that a decision to put up some kind of protection for workers was not in fact made. When on the other hand, it always can be argued and has always been argued that a board of directors would not necessarily know what safety features are required on the floor of a particular workplace where that duty is designated to the foreman and those people in the rank and file of the organization.

This of course particularly affects only those corporate structures that do in fact have directors, and as I've pointed out earlier in the debate on Bill 55, in Saskatchewan we mostly have smaller businesses. Therefore this won't affect a large number of corporate structures in our province, as it would in a province like Ontario.

And here again I make the point that I believe that this legislation was largely based by the government on a model from the province of Ontario. And I say that here again that is not only wrong, because the province of Ontario cannot be compared to the needs of the province of Saskatchewan because we are

structurally different in every way almost, but the reality is also that this Bill is wrong simply because the things that are done in the Bill are wrong for our society and cannot be accepted in the province of Saskatchewan.

They will deter from the ability of our province to grow. They will deter from the ability of our province to produce more jobs. And that, Mr. Deputy Speaker, is a personal thing with me. I believe we have to create a job base in this province. And this piece of legislation will not assist that in any way.

(1200)

The other serious problem that I have in a legal sense in this Bill is the right to search and seizure without warrants. And I think that that is a thing that should not be in any legislation in our democratic society. Moreover, it is frightening because it's not the first time we've seen this approach in legislation by this administration.

And so it shows a significant trend to a grab for power by this government in such a way that people can be harassed, they can be driven out of business through felonious assault on their property and on their persons without recourse to the court system by the people who are hurt or damaged or abused.

You can have your door kicked down on your business place by a civil servant without a warrant, an act that not even the RCMP (Royal Canadian Mounted Police) could get away with — the police force that is admired around the world does not have the power that this government is putting into the hands of civil servants who don't necessarily, by this legislation, require any legal training, any psychological training, any kind of training at all that would make them responsible citizens that could and would do this kind of act with the kind of legal and understanding approach that needs to be put into that kind of power structure.

I find this most objectionable; one of the most objectionable types of approach to legislation in a free society that could ever be perpetrated on the people of this province, or on the people of any free country, because this in essence makes us a police state and nothing less — an absolute police state.

The government has the power, without recourse to the courts, without recourse to the people who have made accusations. Even if those accusations are proven later to be false, if absolutely nothing is found wrong, there isn't even provision to fix the door that they kicked down. The people who have been abused have absolutely no comeback, and this makes this a police state — nothing more and nothing less.

Joseph Stalin would be smiling because this falls right into the category of the kinds of things that he did in his administration. This is a repugnant Bill and must not be allowed to continue in a democratic society.

I can't believe that people haven't protested more

than they have because of this Bill. I am absolutely convinced that this kind of legislation in certain countries in our world today would cause an open war, an open revolution, because this is allowing our government to become an armed police state without any recourse and without any ability for people to be justifiably compensated if they are wrongfully done. And that, Mr. Deputy Speaker, should not be allowed.

I'm going to quote from the letter that I have from the Saskatchewan Home Builders' Association because some of the things that they say are relevant to this issue: "Occupational Health and Safety Act".

Safety is the responsibility of employers, employees and the regulator — Government.

Safety is a team effort and the Act must encourage safety awareness and procedures that create safe workplaces.

An adversary or dictatorial approach should be the last resort of action.

This new Act empowers regulators with more powers than police officers — Section 72.

Harassment now becomes part of Occupational Health & Safety for the first time in North America with regulators that do not have the skills to judge fairly the many allocations that will result — Section 2(1)(1).

The appeal process to an adjudicator — Part VIII leaves the appointment to the Government from a list of names developed by unions and employer associations.

Many Occupational Health & Safety sections leave powers to develop through regulations which cause apprehension when those regulations are not available with the new Act.

The Government continues to recognize unions which mainly represent Government employers and does not recognize the majority of workers who are not part of unions.

In other words, a lot of our workers, Mr. Deputy Speaker, are actually left out.

All of these areas in the new occupational health and safety do not encourage safety but give powers to create adversarial conditions in the workplace. And that, Mr. Deputy Speaker, is the point that every one of these associations that I mentioned earlier has made clearly and forcefully.

This is not a Bill about safety. This is not about the members of the opposition and the people in the business community trying to kick the crutches out from under injured workers or taking away the wheelchairs from those people who have accidents in the workplace. This is an Act that is being amended for the purpose of power to certain government officials. This is a power take-over.

Recommendations that they give:

The Act should give powers that are normal in our society not powers that exceed the powers of police officers.

Appeals should reflect adjudication that involves an Arbitrator for each party and they appoint an agreed to Adjudicator/Arbitrator. The Government should not control this appointment.

Harassment must not take place in the workforce but to place this in the Occupational Health & Safety Act, leading North America with this type of legislation is dangerous if you do not have legally trained occupational health officers. This should be removed from the Act.

The Act and the Regulations must encourage employers and employees to work together to make the workplace safe.

We encourage our law makers to make this Act less adversarial and more objective towards encouraging safety.

That seems a reasonable approach to me, Mr. Deputy Speaker. It is without a doubt said as good as anybody could put it.

And so I read that letter as evidence not only of the thoughts of the Saskatchewan Home Builders', but it reflects those things that have been said by all of the groups that have approached us and the list that I gave you earlier.

I have material in memorandums from Jim Chase, the president of the Saskatchewan Construction Association, showing serious, serious concern with the effects on his business community and the people that he represents. He provided us with a long letter of explanation and opinions, far longer than the one that I have just quoted into *Hansard*, but basically saying the very same points.

I have other information. The Saskatchewan business coalition news releases; The Occupational Health and Safety Act too ominous, is the front line. And that, I think, after the words I have already said, sums it up very well on behalf of Dale Botting and all of the people that he represents.

I have on this letter people like Bob Cunningham, Brett Filson, Maryann McFayden, and Ken McKinley, all of these people endorsing the opinions that are expressed in this brief.

The Saskatchewan business coalition briefing notes go on at very long length to explain what looks to be a very simple change to the Act, but has such far-reaching consequences that we in fact in this province can say nothing except that this makes our province a police state. There is no other way to explain.

There is no accountability in this Act. Someone with vengeance on their mind can make an accusation against his employer and that person making that accusation, no matter how false or incorrect it is, cannot later be taken to task. It throws the whole system into disrepute because there is no accountability to anyone and this is wrong. It is dead wrong. We just cannot allow our society to become controlled by a handful of power-hungry bureaucrats who may be serving the needs of vengeful people.

If I were fired, Mr. Deputy Speaker, I might find myself angry. And in that anger I may do things later I would regret. Knowing that under the present system I am held accountable for my actions even in anger, I am cautious about what I do. Removing that responsibility allows my anger to be uncontrolled and unsuppressed and I may go ahead and do vile and foolish things.

And under this Act, I could make accusations against my employer and never be held accountable for the thousands or millions of dollars that I might cause to somebody.

Given an example. Suppose an employee of IPSCO decided that he had been put into an unsafe situation in his workplace and made a complaint that he thought the whole place should be shut down because it was totally unsafe. That in fact could follow through; it could happen. If it were found that he was totally being malicious, that there was no case in fact for his argument or his statement, that he was only seeking vengeance for having been laid off, there can under this Act be no recourse against that individual.

And that plant, a multimillion dollar operation, could be shut down for days or weeks. Thousands and millions of dollars could be the result of the losses to that corporate structure. The whole year's operation for that business could be put into jeopardy. And in fact if a repetition of this kind of action by angry people — perhaps a union who was trying to make a point or some group like that — if they were to make an issue out of repeatedly going after this Act and using it wrongly, they could in fact bankrupt a company as big as IPSCO.

Absolutely no question in my mind that these big companies could be broke quite easily, and small businesses could be broke even quicker. There is no protection in here against the abuses in our system that always will and always do occur.

At no time — at no time have I seen, Mr. Deputy Minister, anybody make any points about not wanting good, safe conditions. The minister the other day in question period referred to the 40 people that got killed in the workplace and tried to justify these Bills by saying that that's too many. And I agree. But that's got nothing, absolutely nothing to do what's going on in this Bill.

No one wants their employees to be hurt, much less killed. Let's face the reality. Many of the people that

we employ in this province are our good friends. Many of the people that we employ in this province are in fact our families. And no employer wants a bad work record, because obviously if too many people get hurt or die, there simply won't be any people that will work for them any more.

But accidents will happen. It's unfortunate, but it's a fact of life that they do happen. My industry, the agricultural industry, has the highest accident rate of any industry probably in this province. And we do everything that we can. Manufacturers put on all kinds of devices on machines to make them safe, but accidents still happen. And we have to accept the fact that we will do everything that we can to improve the situation, but we will always come short of the mark of a 100 per cent elimination of all accidents and of all injury.

(1215)

We must redraw this Act, Mr. Deputy Speaker, so that it in fact does what an occupational safety Act should do, which is to provide safety for the workplace and for the workers and not be a power grab for the government. And right now that's all we have here is a power grab by the government on behalf of its officials.

We have a review of the draft Occupational Health and Safety Act. It was delivered to us and we appreciate having that. It was very enlightening to read this and to study it through. We have, as I said before, a whole litany of information — letters and documents.

We have workers who fear, and have expressed this to me that their safety will in fact be jeopardized and lost in the shuffle of this legislation. They are worried. Again, the workers are concerned.

The employers are concerned. The official opposition is concerned. The minister himself has referred to this Act, as I repeated to you earlier, Mr. Deputy Speaker. And I'll repeat it once more to reinforce our argument that everyone in this province is concerned that this Bill is not serving the purposes and the needs that it needs to address.

"I am not sure that we could do a proper job of three (labour) bills (this session)," (the minister said — his name was there), referring to the controversial amendments to the Occupational Health and Safety and Workers' Compensation acts the government has already introduced this spring.

"I'm not sure we did a proper job of the two bills."

Direct quote from the minister in charge. So now we have not only the business people, the labour people, and the opposition, but the government minister himself saying that these Bills are fundamentally no good. They're wrong. They haven't been done right. Let's take them back to the drawing table. Let's redo

them. Let's do them right. Let's consult with the people that are concerned, and let's get this thing put into perspective of what needs to be done, which is to provide safety, not to provide power to the government.

Mr. Deputy Speaker, I could stand here and say this a thousand times, and I could not feel more strongly about it than by saying it once. So I've said it a few times, and I'm going to let my colleagues put it into their words because I know that it needs to be driven from more than one force because obviously this government has gone deaf.

And I want to encourage them, though, if you can't hear what we're saying, read the *Hansard*; read the letters; read the documents; read the proof; read everything that has been supplied to me and to you and do the right thing with at least one Bill in this Assembly.

Thank you, Mr. Deputy Speaker.

Mr. D'Autremont: — Thank you, Mr. Deputy Speaker. My colleague, the member from Maple Creek, has brought forward a good number of points, and very valid points dealing with this legislation, points that the government needs to take some serious look at and give some very serious considerations to, particularly the parts of the legislation that deal with entry, with search and seizure without a warrant.

It seems to be the proclivity of this government to utilize that particular mechanism to impose their will, through a good number of Bills in this legislation, on the people of this province. We have seen them use this type of legislation in their environmental Bills. We have seen them use this type of legislation in some of the natural resources Bills, and now they're using it in this one, Mr. Deputy Speaker. And there's really no need for it.

If the government and its inspectors feel that something illegal is taking place within a site, they have access to the courts. They can apply to a justice of the peace or the Court of Queen's Bench to get a search warrant to enter into those premises and to gain access to the information or to the procedures that they wish.

But no, Mr. Deputy Speaker, that's not good enough for this government. What they want is to have the power to threaten, and if threats fail, then to go in with bulldozers or whatever means they feel suits their purpose — which may not necessarily be necessary but which suits their purpose — to enter into private property and to take whatever it is they want. This, Mr. Speaker, is unacceptable.

We do still have due process within Canada even though within this province, under this government, due process is given very little consideration. We do not see due process in contracts for farmers. We do not see due process in contracts for co-op members. We do not see due process in contracts for government employees.

And under this legislation and other pieces of legislation brought forward by this government, there is no due process for the working people, the employers, and the citizens of this province. That is what we consider to be one of the great weaknesses in this legislation and in this government's attitude.

This legislation also deals with the rights to refuse what can be considered dangerous duties. And indeed, Mr. Deputy Speaker, if a job is truly dangerous, then it should not be performed without the proper safety methods being taken.

But one of the concerns that a good number of employers across this province have, the way this legislation is written, it gives the employee the right to say no, I refuse to do this because it's dangerous. The employer cannot assign another employee to perform that duty so the job stops.

Well, Mr. Deputy Speaker, this can be used — and if it can be used at some point in time it likely will be used — as a means to harass or to cause work stoppages at a work site where there is some grievance between labour and management. Because within this legislation, Mr. Deputy Speaker, there is no time frame set out. The worker can claim that he will not do the work because of a hazard. It goes through a couple of steps including an occupational health and safety committee at the work site.

If the worker disagrees with the recommendations from that committee or if the committee agrees with the employee, it will then go to an inspector or an official of occupational health and safety for the province.

But nowhere in there is there a time frame set out, Mr. Deputy Speaker, that that investigation has to be covered by. It doesn't say, within two days; it doesn't say within a week. It's left open.

So with the collusion of the government, it would be possible to stop a work site simply because the inspector has never shown up to investigate the site to see whether or not the work stoppage is in fact legal.

And no place within the Bill that I've seen, Mr. Speaker, does it provide any compensation for that employer if the employee's claim is false. And no place within the Bill that I have seen does it say that the employer is still not responsible to pay for that employee's wages or all the employees' wages that might not have been working because of this complaint.

The onus under this Bill, Mr. Speaker, is left entirely on the employer. The employer pays the full cost. The employee, under this legislation, bears no responsibilities. And that is wrong, Mr. Speaker. If the employee has a legitimate complaint, then the situation should be rectified, the employee should receive his pay, and that should be the end of it.

But if the claim is false, then the employer should have some recourses that if the employee has been off the

work site for a period of time, then that employee should not receive his compensations for that work, because he did not perform that work and there was no reason for that work stoppage. That's one of the issues that the government should take a very serious look at.

In the Environment Committee, Mr. Deputy Speaker, we dealt with quite similar issues when complaints come forward about the environment. And the recommendation from that committee, Mr. Deputy Speaker, was that if the person bringing forward the complaint had a legitimate complaint, then the company or whomever that complaint was filed against was to rectify the situation. But if the complaint was false, if it was vexatious, then the onus was on that person bringing forward the complaint to make restitution.

And similar logic, Mr. Deputy Speaker, should be utilized in this particular case. If the employee is right, the situation should be rectified; he should receive his pay. If the claim is false, he should be forced to find some compensation which could simply be he does not receive his pay for the time that he was off the job. But if it's a mass action which can be attributed to a labour dispute, a work stoppage for whatever reason, which would be outside of the bargaining process, then those that participated in it should bear the brunt of the costs. They should have to make good any claims against them.

And those are two of the issues, Mr. Speaker, that need to be addressed in this Bill that the minister should take a very serious look in Committee of the Whole and look at some amendments to this Act to deal with those particular situations.

I know that some of my other colleagues also wish to have some discussion with this Bill and I will give them that opportunity now, Mr. Deputy Speaker.

Mr. Swenson: — Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I just have a few brief comments I wish to make in regard to Bill 56. But I think it's important that people around the province clearly understand that what the government is proposing here goes far beyond safety in the workplace as far as workers in the province of Saskatchewan go.

The opposition is asking some very pertinent questions on aspects of this Bill because we're talking about the very job force of this province, Mr. Deputy Speaker. We're talking about the employment levels that we have now, which aren't good enough to take people off unemployment rolls and take them off the welfare rolls. And we're talking about decreasing the number of jobs that are available to Saskatchewan workers even more. And that decrease will happen I believe, Mr. Deputy Speaker, if this Bill is left in its present form.

With the business community and the people that it employs, people in this province are saying is that given all of the current cost increases, the cost of doing business in this province cannot sustain another hit

that doesn't have some well thought out rationale and reasoning attached to it.

My colleague who sat on the Environment Committee which tabled its report in this legislature and talked about the issues of search and seizure, about having government bureaucrats and government bureaucracy empowered greater than what our current police forces have, says to me, Mr. Deputy Speaker, that we're dealing with legislation that is inappropriate.

The Environment Committee went and spent months saying at the end of the day, that that is inappropriate, that bureaucrats and bureaucracies should not have that kind of power. It simply is oppressive to institute something that doesn't need to be in place.

And yet what the minister is telling us in this Bill is that those powers need to be there with no corresponding checks and balances, Mr. Deputy Speaker, because we have ministerial prerogative and assignment all the way through the Bill.

Now in good conscience most ministers of the Crown come to work every morning to do a good and credible job, irregardless of political stripe. But, Mr. Deputy Speaker, for the life of me, I don't know why we would need that kind of empowerment when we're talking about the very job force that drives this province, the ability to shut down the workplace beyond simple safety considerations, the ability to . . . And I had it described to me that one of the individuals who now is high up in government, in the bureaucracy, saying that that particular company needs to be assessed higher because they're just an accident waiting to happen; they've never had an accident but they're waiting to have one and I believe that they should be assessed higher.

(1230)

Well, Mr. Deputy Speaker, that's not the kind of bureaucrat we want to turn loose on the folks that pay the taxes in the province of Saskatchewan. And unfortunately, people that have agendas other than what the vast majority of the population have would have the opportunity to use this legislation, I think, incorrectly.

Mr. Deputy Speaker, occupational health and safety officers in the province of Saskatchewan, I think, have a pretty good record. And the fact that we have a declining fatality rate and curve in the province of Saskatchewan tells me that, Mr. Deputy Speaker.

It's not good enough yet because we aren't down to zero. But it is about half of what it was a decade ago. And that tells me, Mr. Deputy Speaker, that there has been movement, that there has been people taking their job seriously.

And, Mr. Deputy Speaker, when someone dies from a bee sting or someone dies in a plane crash or someone dies from a heart attack on the job site, there isn't an occupational health and safety officer in the province

of Saskatchewan that can do a thing about it. You can't take away a person's allergies. You can't take away an act of God. And unfortunately, Mr. Deputy Speaker, I believe there will always be fatalities in the workplace in the province of Saskatchewan for those very reasons.

Mr. Deputy Speaker, education through the ages has always been the best tool. You cannot legislate morality, and you cannot legislate, in my view, adherence like this Bill proposes without causing major problems. Education of the people who both employ and are employed in the workforce of Saskatchewan will do more to promote safety than anything else.

It still comes down to individuals taking initiative to look after themselves to wear the right kind of boots to look after themselves, to wear the right kind of gloves, to do the things that are necessary before you step out into that job site, as it is the responsibility of employers to lower the crane when the wind is blowing.

Mr. Deputy Speaker, I believe that this Bill has not been well thought out, that it has been rushed, and that it has not listened in a consultative way to the people that it will most impact. And unfortunately I believe this government's agenda, its political agenda to get some things solved — rightly or wrongly — during its first two years of government, has dictated that this Bill is on the floor of the Assembly to be debated now.

And that is all the wrong reason, Mr. Deputy Speaker, to have it here and being debated. That is all the wrong reason to have a bureaucracy created and growing in the area of occupational health and safety that simply puts too much pressure on people to employ other people in the province of Saskatchewan.

Mr. Deputy Speaker, we must get those people off the welfare rolls in this province. We must get the unemployment lines down. And if this economy of ours is ever going to provide the services that we all enjoy, and pay the debt of the province of Saskatchewan, then you've got to have people employed and they have to be out there creating wealth. And what I'm hearing around the piece, Mr. Deputy Speaker, is that people who create wealth have a great deal of concern. And at the same time, the people who work with them in the creation of that wealth are not being well served when they don't have a job any more.

Mr. Deputy Speaker, we believe that the government should bring forth amendments to this Bill, amendments that tell us that they've done some consultation, amendments that tell us that they aren't going to use the heavy hand, that occupational health and safety are not going to supersede the police forces of our province as far as their jurisdictional power.

And I think if the government would do some of those things in third reading of this Bill, then we might yet salvage a piece of legislation. If the government is absolutely intent on passing it, then I think it is up to

the members of this Legislative Assembly to bring forth amendments that can make this Bill at least halfway palatable to the vast majority of the people in this province.

And with that, Mr. Deputy Speaker, I will reserve any further comment till third reading of the Bill.

The division bells rang from 12:36 p.m. until 12:41 p.m.

Motion agreed to on the following recorded division.

Yeas — 27

Thompson	Murray
Simard	Hamilton
Lingenfelter	Johnson
Shillington	Trew
Anguish	Flavel
Solomon	Scott
Kowalsky	Kujawa
Carson	Crofford
Mitchell	Harper
MacKinnon	Keeping
Upshall	Kluz
Hagel	Renaud
Bradley	Langford
Lyons	

Nays — 5

Swenson	D'Autremont
Muirhead	Goohsen
Toth	

The Bill read a second time and referred to a Committee of the Whole at the next sitting.

(1245)

COMMITTEE OF THE WHOLE

Bill No. 38 — An Act to amend The Saskatchewan Human Rights Code

The Chair: — I will ask the Minister of Justice to introduce his officials to the members of the committee.

Hon. Mr. Mitchell: — Thank you, Mr. Chair. I have beside me, Ms. Madeleine Robertson, who is with the legislative services branch of the Department of Justice, a Crown solicitor; and behind Madeleine is Tom Irvine, who is a Crown solicitor in the constitutional law branch of the department.

Clause 1

Mr. Toth: — Thank you, Mr. Deputy Chairman. I believe, Mr. Deputy Chairman, before we move off clause 1, there are a number of questions we will continue, or must take the time to raise. And I'm glad to see the minister has some very competent officials with him today.

When you start looking at areas that infringe into some

of the constitutional debate and certainly a lot of the legal areas, I think we need all the help in the world. However, I begin to wonder whether or not . . . and we're all aware of this and the minister might be, is probably quite aware of the fact that at any given day he would find it difficult to agree with any specific legal opinion if it should happen to be not to his interpretation.

And I think that's one of the major questions that has been raised regarding the debate on Bill 38. And the fact of whether or not the changes that we're proposing to the Human Rights Code at the end of the day — regardless of the amendments that may be brought forward, or amendments that we would propose, or amendments from any other member — would indeed not be open to challenge.

And I believe it's unfortunate, Mr. Deputy Speaker, that the minister hasn't taken the time or wasn't willing to even accept the amendment that was presented to the House yesterday of allowing for a sixty . . . or a six-month hoist — sixty-month hoist, that would a good hoist, wouldn't it? — but a six-month hoist that would give the opportunity for debate.

I think what it reflects is the fact that there has been a lot of debate. There was a significant amount of debate taking place even today. And in view of the number of the points that have been raised by members, both on this side of the House and certainly some of the members on the other side of the House, a number of members who have spoken in favour of the Bill, and I must commend members who have taken the time as well to stand up and speak regarding their convictions. I think it's appropriate. This is a democratic society and a democratic Legislative Assembly where we should have that opportunity. No one should feel that they are bound by party ideology. And so I want to commend all members for having taken the time to express their views and viewpoints whether or not I agreed or disagreed with them.

However, Mr. Deputy Speaker, it would have been appropriate as well . . . and certainly another area that I believe the government could have looked at and created a greater opportunity for its members and all members of the Assembly is by allowing that free and open vote to take place in the Assembly.

Now last evening the minister in his closing remarks mentioned that they will be presenting some amendments to the Human Rights Code. And I'm not exactly sure how many amendments the minister is intending to bring forward, but in light of the fact that time is passing us by this morning, I think it would be only fair if the minister would take a moment to at least pass us over or inform us about the type of amendments that he is willing to and is planning on presenting to the Assembly so that, as opposition members, we may have the opportunity over the weekend and into next week, the time to just take and review the amendments and just see how they conform to the requests, the points that have been brought forward, the suggestions that have been made.

And I wonder if, as the minister is sending over the proposed amendments, if the minister would take a moment just to respond and just for the record, lay them on the record, the types of amendments that the government is presently looking at.

Hon. Mr. Mitchell: — Yes, Mr. Chair, I have just sent over with one of the pages a copy of the amendments that the government proposes to introduce during this Committee's consideration of the Bill. Before doing that — I'll do that before I sit down — but I want to just respond with respect to the member's argument or point, observations about the question of conflicting legal opinions.

Mr. Chair, I think that there is no other legislative item on the agenda of this Assembly that has occupied so much time in its preparation and consideration and review, as Bill 38. We have had, as all members have, quite a large volume of correspondence and contact with respect to this Bill. We have treated every proposal as being very serious proposals. And we have carefully considered and with respect to many of them exhaustively reviewed the proposals that have been made to determine what we should do with respect to them. We have treated all of these proposals as being serious and constructive proposals and analysed them on that basis.

There are a lot of people out there who were making suggestions, and we took all of them seriously and didn't simply adopt a bull-headed attitude that we were not prepared to consider any improvements to the law that we propose by Bill 38. And that led us, of course, to a great deal of legal analysis and discussion about the . . . within the Department of Justice about the legal response or the legal analysis with respect to some of these proposals.

I feel, if I may say so, Mr. Chair, to the member, very well served by the Department of Justice. I think that it is, with only a couple of exceptions, the same department as served the previous administration throughout its years. And most of the lawyers in the Department of Justice are long-term career lawyers working for the government and have performed great service over those years. And I feel very well served.

And I must say that I know the department well, having practised law myself for many, many years, and I have great confidence in their opinion. And these have not been easy things for the department to handle because I have been a demanding minister with respect to these various points that have arisen. And I've tested the department with respect to their opinions and they've gone the extra mile with respect to those opinions.

So I just want to say that in general. I want the member to know and to understand and accept that we have been very, very serious in our approach to this Bill and the various representations that have been made.

Now there's been a long debate going on in this House and outside this House. And I've met widely,

my officials have met widely, with all kinds of people and had all sorts of conversations and correspondence. And as I say, I don't think there's any other item on the government's agenda that has taken so much time in dealing with it and with the various representations that were made concerning it.

Now with that as background and in response to the opening remarks of the member, we propose to make two amendments to the Bill. And the first deals with the question of what we are not doing with the prohibition respecting . . . with the prohibition of discrimination respecting sexual orientation.

And we are not extending the protection of the Act to any conduct that is prohibited by the Criminal Code, and that is an amendment that we plan to propose to section 3 of the printed Bill. And I will quote it for the record:

. . . For the purpose of dealing with any case of alleged discrimination pursuant to this Act, no ground of discrimination shall be interpreted as extending to any conduct that is prohibited by the *Criminal Code*".

This is a question that arose over and over again as to just what we meant by sexual orientation. I observed yesterday that — I believe it was yesterday — that the jurisdictions who have included this prohibition in their legislation have done so without definition. Sexual orientation is, in the view of those legislators, a term that is understood without any further definition, and there are many concepts already in the code that don't have a definition, as I pointed out.

Manitoba adopted the approach that we are suggesting here, which says what I thought was obvious but which apparently was not obvious, that we were not trying to protect illegal sexual orientations: pedophiles, sexual assaults, violent sex, rapes, and any other of the sexual-related conducts that might, by some happenchance be included under the notion of sexual orientation. We want to make it clear that we're not protecting any illegal acts. And I think that that, at least on the basis of my experience through this Bill and the representations I received, that that is responsive to the concerns of many people in the community.

The second amendment that we are going to propose is to section 18 of the printed Bill, which deals with section 47 of the Act, and that is the affirmative action section. That section has, since its inception, contemplated that at least in a notional way, that there could be affirmative action programs which are approved covering all of the prohibited grounds in the code. And so you had ideas that, like creeds and religions and nationality and age, could be included in affirmative action programs.

Now the member will know that they have not. The member will know that in Saskatchewan and elsewhere in Canada, affirmative action programs have been limited to women in non-traditional occupations, to aboriginal people, to disabled people,

and to visible minorities — those four groups. It was never contemplated that there would be an affirmative action program for any religion or any creed or any nationality or any age. These things were just never contemplated.

But I accept that section 47 as it is drafted, as it appears in section 18 of the printed Bill, is capable of, right on its face, of being interpreted to mean that an affirmative action program for the employment of lesbian or gay people could be approved by the Human Rights Commission. And that was not the intention of the government, so we are proposing this amendment to make clear that the idea of affirmative action will be limited to race, colour, sex — which is to say gender — disability, or ancestry. And that will cover the four categories that have been the subject of affirmative action programs until now, and that will be the way in which it is limited in the future.

And there was a mini fire-storm, if I may use the term, when someone noticed that section 47 could be interpreted right on its face of making affirmative action programs legal so far as sexual orientation was concerned. And as I say, that was not the intention of the government so we've moved to fix that.

Those are the two amendments that we propose to make to the Act, Mr. Chair.

The committee reported progress.

The Assembly adjourned at 1 p.m.