

June 8, 1993

COMMITTEE OF FINANCE

Supplementary Estimates 1992-93
Consolidated Fund
Budgetary Expenditure
Saskatchewan Crop Insurance Corporation
Vote 46

Item 1

The Chair: — I believe the minister had just finished. Or do you wish to make a response from the question before the break?

Hon. Mr. Cunningham: — No, I think I answered the question. If I didn't, have it repeated and I'll answer it.

I have officials who will be here momentarily with some answers, some material that you'd asked for. And we'll get that to you immediately.

Mr. Chairman, I have some of the information that was asked for before supper and I'll pass that over. I think there's one more sheet to come yet.

Mr. Muirhead: — Thank you, Mr. Chairman. Mr. Minister, just a question on the cheques that was just announced — maybe my colleague did ask this question but I wasn't here all the time — the ones that were just announced in the last week or 10 days on something to do with the low-grade grains. I heard a little bit about it. Could you just explain how much that was and when they'll be out, or are the cheques in the mail or whatever.

Hon. Mr. Cunningham: — The amount of that payment is about \$33 million and the cheques will be out early next week. If you want me to go into detail as to where it comes from I can, but those are the numbers.

Mr. Muirhead: — Mr. Minister, yes, maybe you could give me a breakdown on how much on the, say, grade 3 and feed. That's the two things. Those are the only two that I'm interested in.

Hon. Mr. Cunningham: — Right. The pay-out will be almost exclusively on feed wheat, on the spring wheat. There'll be some on the lower grades of durum as well. The number 3 will . . . for producers who had 3 wheat and a crop insurance claim, they won't be getting any payment here. The number 3 is basically on target, or the same amount or the same price, as the old calculation would give so it'll be . . . It's mainly on spring wheat, the feed grades of wheat, that the payment is on — producers who had a crop insurance claim and had feed wheat.

Mr. Muirhead: — How many cents a bushel is that going to amount to, or can you break it down that way?

Hon. Mr. Cunningham: — The amount of . . . The difference is the old calculation, the way that Crop Insurance had always calculated the difference in

quality, would give us a factor of .83 which in the situation we had this year with such a widespread frost caused a wider spread in grades and that was obviously not going to be fair to producers. What we negotiated is to pay it on the actual final payments. We're estimating right now that the actual final payments will give us a spread of a quality factor of .69. So it's the difference from .83 to .69. We're paying out 75 per cent of that as an interim payment, and the balance will come when we know the final prices and we can do a final calculation on it this fall.

Mr. Muirhead: — Mr. Minister, I didn't get that quite straight from you and that would be me not hearing just quite right. You said . . . give me the figures again that you're paying 75 per cent of. I didn't. . . you said factor 3, and then you said six point some, and something else. I didn't quite get you there.

Hon. Mr. Cunningham: — Okay, I maybe didn't speak very clearly on that. The calculation that we normally did in Crop Insurance would have given us a .83 and that obviously was not adequate. We went to the federal government and said, you know that's not going to be a right factor this year.

The agreement that we got with the federal government was that we would pay it out at the end of the crop year on actual difference in price that was there. Then we further agreed to pay out as much as that as we could to get some money in farmers' hands. So we're paying out 75 per cent of what we think the actual difference will end up being. And that results in \$33 million being paid out some time next week and the balance will be paid out after we know . . . when the pools are closed and we know the exact differences in the final prices.

Mr. Muirhead: — I'm still not getting it quite clear, Mr. Minister. Let's put it this way. If a farmer's in a crop insurance claim — now this different payment could bring people into a crop insurance claim, I understand that — but just say you're already in and it's all feed wheat. That's the big number out there that people are in trouble with, with the feed grain. How many cents a bushel, approximately, would it . . . could it amount to? That's what I need; that's what I want.

Hon. Mr. Cunningham: — I don't know if we can work that out. We're trying to calculate in a price per bushel. The situation is this: if a person had no grain, say they had a complete crop failure, they would be paid, if they were covered say for 30 bushels to the acre, they get 30 bushels times two nine nine or whatever price option they chose and that would be the payment.

For a person who had some bushels of grain that were of feed quality, they are adjusted down and counted for a smaller factor and that's where the adjustment comes in. So the people who would get the biggest payment are those who had right around their coverage of feed wheat or maybe had enough feed wheat that they actually got no claim or very little claim because of the feed wheat that's in a bin.

Now the value of that feed wheat will be discounted and they will get the bigger payment. So it'll vary from producer to producer. The people who obviously didn't have a crop insurance claim at all but enough bushels to be . . . ever had 3 wheat or whatever and didn't get a claim, won't get any money. The people who got a complete crop failure would have been paid out fairly. It's the people who have feed wheat and the larger quantity of feed wheat approaching their coverage is the people who will get the most money.

And in some situations, it could be as much, I believe, as 8, \$10 an acre approximately, but that won't be for all producers, that'd be just depending on how many bushels of feed wheat they had that was discounted from their crop insurance payments.

Mr. Muirhead: — Well, Mr. Minister, the reason why I'm questioning here because the farmers are desperate for cash out there. And even though it's only going to be a short time they get their cheques, I'm getting . . . I was quite involved for years with Crop Insurance, in fact I was the minister for three years. And I do get a lot of calls. And they're just trying to get an idea from you tonight what they maybe have coming.

So maybe we could do it this way. You said that we'll go by the quality factor. It's supposed to be .83, and that means for every thousand bushel in your bin you'd have 830. But what is the actual factor on feed wheat right now then? What did you set it at?

Hon. Mr. Cunningham: — What we're working on now as our estimate is .69. So for somebody with feed wheat, if they had the two nine nine price option, it would probably be around 33 cents a bushel for every bushel of feed wheat for which they had deducted from their crop insurance claim. So that may give you some idea of what it could be.

So if they had 20 bushels of feed wheat, and they had a 2.99 price option, that would probably be about 6.60 an acre that they would be receiving. So that's just some idea of how they might be able to calculate it.

Mr. Muirhead: — Well, Mr. Minister, when they . . . we'll just talk about a farmer, he had a crop insurance claim. He didn't have to use . . . he was into a claim but he had his 10, 15 bushels acre, whatever of feed wheat. So he would have . . . for sure have a claim with the factor.

Now either get it straight. When they were paid last fall, what factor were they paid on? When they got their crop insurance, when they were paid out last fall, what factor were they paid on then? I should know this too, but I kind of forgot it last fall when it was happening.

Hon. Mr. Cunningham: — They were paid on the factor of .83. They will now be paid on a factor of .69, except that we're only paying 75 per cent of that difference until we know the final price. So that gives

you some idea. It might be helpful, I think there were about 20,000 producers who will be getting a cheque and the average will be about \$1,650. That may be of some help.

Mr. Muirhead: — All right, Mr. Minister, thank you. Mr. Minister, could you tell us the figure of how many insured farmers of crop insurance and revenue insurance were in delinquent of their arrears or their payments at the end of the year, whatever the date-line was that they had to have their premiums paid. How many farmers were in that situation?

Hon. Mr. Cunningham: — There were about 4,100 who were in arrears at the end of the year. We sent letters to them. About 3,100 have either remitted their accounts or made arrangements, and there are about a thousand who are still at this time delinquent.

Mr. Muirhead: — Mr. Minister, what kind of arrangements did you make with them if they couldn't pay their premium up, say those roughly 3,000? What kind of arrangements?

Hon. Mr. Cunningham: — For the producers who had overpayments, the arrangements varied. It was negotiated. One to five years is the . . . I guess is the range we spread the payment out over on the overpayments.

Mr. Muirhead: — I wasn't talking about overpayments; I was talking about the . . . You said 4,500 were approximately delinquent in paying their premiums. They were due at the end of the year. And you said approximately 3,000 made arrangements and approximately a thousand . . . or I didn't get your exact figure, but approximately, still haven't made arrangements yet.

What kind of arrangements did you make with those people or was there a certain policy, or what was that policy to make arrangements for the farmers that could not pay those premiums?

Hon. Mr. Cunningham: — For the ones who were . . . The number that I gave you includes premiums who were delinquent and overpayments who were delinquent, as the member from Morse was questioning earlier. So it included both. The overpayments, as I said, we've gone terms from one to five years.

The people who were delinquent in premiums we insisted on 25 per cent of the premiums and then we gave them a one-year grace. That was the arrangement for those . . . arrangements that were made with people who were delinquent with premiums only.

Mr. Muirhead: — Like you're saying if you owed a thousand dollars you'd have to come up with \$250 and you could carry the other 750 for one year. Is that what you're saying?

Hon. Mr. Cunningham: — That's correct.

Mr. Muirhead: — What about the other, Mr. Minister? What about the other thousand-and-some that you said that haven't been able to make arrangements? Are they still trying to make arrangements or are they just out for crop insurance to cover your revenue insurance for this year?

Hon. Mr. Cunningham: — With the ones who are delinquent, their accounts will be cancelled if . . . We would still take money coming in now, but sometime this month notices of cancellation will be going out on those thousand who do not have their premiums paid.

(1915)

Mr. Muirhead: — So you're saying that, Mr. Minister, if someone is down and out and they cannot raise their premium money, and which that could very easily be — I mean, there's some farmers that are in desperate need out there — you're not going to try to make some arrangements to carry these here thousand people somehow or other? Did you ever consider maybe post-dated cheques or something that . . . We did that back in the early '80s, or middle of the '80s I believe it was, Mr. Minister, when we had 3,700 farmers that couldn't pay and we allowed them to have a post-dated cheque.

You can't lose that way because if they get a crop they're back in business; if they have another crop failure you get all your money anyway. These people must owe you money so it would help both ways if they are naturally being cut off because of the old premium. But if you considered some way . . . because a thousand farmers that are not covered out there is going to be some of the . . . be in pretty bad shape. And if it's getting dry out there now, it's a desperate situation. Is there something you can't do to try to carry these here . . . and I understand there maybe would be some would be impossible, I understand that — but is there some way you can take . . . There's too many people to leave out there uninsured.

Hon. Mr. Cunningham: — Well I think the policy that we're following is a long-time policy. Certainly there are hardships out there and some very difficult situations.

We did send letters to the producers in April and asked them to come in and try to make arrangements. And we offered them the one-year grace period if they can come up with 25 per cent down. And the people who've come in, I think by and large have been able to make arrangements. But if they haven't come in and haven't responded and haven't paid their premiums, we will certainly be having to send out cancellation notices. As tough as that may sound, it seems that's been a long-standing policy of Crop Insurance.

And remembering again that we're in a federal-provincial agreement, and if we don't follow the agreement, we can easily lose the federal support of it, and it puts us in a greater liability position.

Mr. Muirhead: — No you don't need to tell me that if you won't . . . whatever arrangements you want to

make on carrying somebody that you have to get permission from the federal government on premiums; because that's not a fact, Mr. Minister. That's up to the provincial government and they can do anything they want. And I understand that if you've got a thousand people, or whatever that figure was, Mr. Minister, and if they haven't done anything . . .

Can you give me the figure on how many farmers did not respond at all? Can you give me the figures of how many farmers never responded whatsoever when they got this letter to come in and talk about it?

Hon. Mr. Cunningham: — Those are the thousand who haven't responded to us who are delinquent, and people who have come in have been able to make arrangements but people who do not respond . . . and remembering this is an insurance program and certainly premiums have to be paid and the longer you go into a crop year, the easier it is to predict the results of a crop. And certainly we're aware of the tough situation in farming in Saskatchewan but that indeed is the policy. And it is people who have not responded to our letter to come in and try to make arrangements.

Mr. Muirhead: — Mr. Minister, you're telling me everyone that responded were all able to make arrangements and that every one single one that didn't respond . . . I can't believe that somebody didn't come in and respond and they weren't able to make arrangements, couldn't come up with the 25. Is exactly what's happened, right on that very figure, the ones that didn't respond and everybody that did respond got a deal made? Is that correct?

Hon. Mr. Cunningham: — There certainly were a handful, probably maybe a dozen, who were unable to make arrangements. By and large, the people who came in made arrangements. The situation's . . . and I think there are some situations, as you may know, where people who are going through bankruptcy and so on, who, you know, just aren't responding to those sorts of letters at the time. But most of the thousand who are delinquent are people who did not come in — not every one of them, but all but maybe a dozen or so.

Mr. Muirhead: — Well that's fair enough, Mr. Minister, if they don't come in to talk about it. But would you make this commitment: you said, if you're still dealing with them now but it's going to cut off very quickly and I understand that, that they're going to have to have a coverage of some kind. Would you make the commitment to get the message out there somehow or another that you've only got a short time to come in, maybe another week or whatever. Crop Insurance can get that on the air very quickly. I know how quickly that can happen. Would you make the commitment that if you don't get here on a certain date there's no more negotiations and you're cancelled. But would you give them another week or 10 days or whatever and still try to do something with them?

Hon. Mr. Cunningham: — Well we can certainly

attempt to do something. I don't know what form it would take, whether we'd have the agents contact them or do, as you suggest, some electronic media or whatever. But certainly we have no desire to see people not covered by crop insurance because it can only compound the problem, as you say. If there's a drought then it would create real difficulties for producers who are not covered.

Mr. Muirhead: — Yes, and I'm agreeable with the 25 per cent, if they can come up with 25 per cent, but I'd just ask you to give them one last chance because they may think, well I've missed the date-line and I couldn't raise the money. And maybe they just need that one last chance, and I'd like to give everybody a last chance, as I'm sure you would, Mr. Minister. If you would undertake just to promise that you'll give them one last chance in this month of June some time. Whatever the date-line, that's up to your department of course. But I'd be satisfied if you'd give that commitment that they'd either be contacted by . . . that's a good idea to have the agents contact because that don't take them very long. They'll know how many. Would you give that commitment, Mr. Minister?

Hon. Mr. Cunningham: — We will certainly attempt to contact or in some way spread the message that we want people to get in immediately.

Mr. Muirhead: — Thank you, Mr. Minister. I appreciate that.

Now, Mr. Minister, can you tell me how many Crop Insurance employees in 1993 that have been fired by your government?

Hon. Mr. Cunningham: — Twenty-six.

Mr. Muirhead: — Do you have a breakdown, Mr. Minister, on whether these were adjusters or agents or Crop Insurance employees? I know you fired some out of the office in Melville. Do you have a breakdown on who these people were?

Hon. Mr. Cunningham: — There were seven agents and the others were from CSO (customer service office) offices out of Melville — a mixture of those.

Mr. Muirhead: — How many of those firings, Mr. Minister, were just straight political firings?

Hon. Mr. Cunningham: — None of those were political firings.

Mr. Muirhead: — How could you, Mr. Minister, stand there, just stand up there as a minister of the Crown under oath, and say there was none of them political firings when you know different than that? Ask your officials what happened to Delores Sogge, worked in the Outlook office, she was head of the Outlook office. Ask what happened to her, why they fired her, and cold-bloodedly fired her — a few minutes to get her out of the office, with everybody crying. Just ask your officials how necessary that was and if that was a political firing or not.

Hon. Mr. Cunningham: — Mr. Chairman, we have gone through some major reorganization, major downsizing, major changes of personnel in Crop Insurance. I think that certainly all can be justified. I would stand behind the record of Crop Insurance and the improvements that we've made in the management and the operation of Crop Insurance.

I think when I first became minister at the first . . . '91, at the end of the year, we had something like 13,000 uncorrected errors outstanding. We had new programs, new computers, and all sorts of problems. We had people who were hired who were not qualified for some of the positions, and we had some major problems in Crop Insurance. We've done some shaking up, and I think we've made major improvements, and we certainly stand behind the record of Crop Insurance. There may be things that we can do yet but I think we're operating more efficiently and providing a better service. And that's what I think is sometimes the hard necessity of operating a Crown corporation.

Mr. Muirhead: — It's easy for you to stand there, Mr. Minister, and say, oh yes, it's running more efficiently, and it's much more efficiently than it was, and all those errors that were there when we were in government. That's absolutely wrong. When you took over government in '91 in October, the errors weren't there. It is because you changed things around so fast out there and moved things around.

It was in the winter of '92, '91-92, that you had all the problems. You can't blame that back on the previous government. Come on now. Get up here and give us the right times that all those errors were because I happen to know. And you know different than that. It's easier for you to say that your new people . . . You fired so many people then and brought new people in off the street and they made the errors in '91-92 and then you said, oh that's the previous government done that, and you've improved it.

Naturally you've improved it because your people you fired, they're gone, and you brought in some greenhorns and it took them a few months to get things straightened out. That's within your own efficiency. You naturally will get better if you leave them there long enough they might learn how to run a computer. But those computer foul-ups were in '92, fall of '91-92, after the election. And it wasn't a problem before so don't stand there and tell us that.

Now I want to know why you fired . . . why was Delores Sogge fired? Your officials must know that. You got people from Melville there. Why was she cold-bloodedly fired until 15 minutes after 10 years of faithful work?

Hon. Mr. Cunningham: — That was a downsizing move. Nobody has replaced that person and that is the . . . Restructuring is the reason for that person no longer being with the department.

Mr. Muirhead: — Mr. Minister, it wouldn't be

anything to do with her husband, Stan Sogge, being my president of my riding for a good many years, and she was absolutely a political appointment by me. I appointed her a position but she needed the job and the job was vacant and there was several people applied, and she did a good job. And so don't think that that wasn't through the NDP (New Democratic Party) in the Outlook area, that there was pressure on Crop Insurance to get rid of Muirhead's president's wife. So come on now, stand up and admit, yes we do have political hirings in this government . . .

The Chairperson: — Order, order. I'll just remind the member, and I'm sure it was a slip of the tongue, not to refer to members here, including himself, by proper name but by constituency.

Order. Order.

(1930)

Hon. Mr. Cunningham: — Well, Mr. Chairman, I was not aware that this person's husband was your campaign manager, and I guess, as always, members over there have a hard time to believe that we don't run our hiring and firing on a political basis, that as a minister I don't get involved in staffing CSO offices.

That's not the way government should run and it's not the way it does run, and I know that you find us hard to believe but I welcome you to the '90s and to the new reality of politics.

Mr. Muirhead: — Mr. Minister, you can stand there and sound holier-than-thou but you know that you're just trying to be nice to the television public who hear you out there. Come on now. You know that you . . . When this government took over that you went right through government and you cleaned them out.

You phoned the old Crop Insurance board yourself, and I congratulate you for that. You phoned the Crop Insurance and said — the board — you phoned them and said that you're no longer on the board but if you wish to apply we'll maybe consider you on the new applications. You phoned every one of the Crop Insurance board.

Now why did you lay the Crop Insurance board off? Because they weren't hired by the NDP. I don't mind you doing it but for goodness' sake don't be so holier-than-thou and stand here and say, we don't believe in that, that we want that out of there. And I'd just like to know how many people . . . no sense asking you because you'll get up and say they hired because of their qualifications. You know, pretty near everybody that you bring into that department are hired because they've got a card. And there's no other reason why. They've got the right coloured card. Why was Dan Mengel fired out of Melville?

Hon. Mr. Cunningham: — Dan Mengel's position — the official was telling me — was eliminated.

Mr. Muirhead: — Mr. Minister, we know it was eliminated. So was he. He was eliminated. And it was

because that young man, farmed out here at Dilke, Saskatchewan . . . and he had a hard time on the farm, he had to quit farming, and he paid his debts off the best he could, and he had a real good job, and he came to me and wanted to get a job some place. I got him one as a adjuster first. And then he applied for a job at Melville, and Melville hired him. And he needed that job pretty bad, and he was an excellent man and you know he was.

And so you could . . . if it wasn't for political reasons, you would have put him in some place else, if you eliminated that position. You fired him because you knew that the past minister hired him, that's why.

And what happened to Jim Walters? He wasn't hired by the member from Arm River. He was there through three governments. But you canned him because he stood up at election time and had an ad in the paper, or done something for the Progressive Conservatives on television over Fair Share Saskatchewan, so goodbye Jim Walters.

And you can give me a comment on one person that I haven't heard from, but I just was concerned about. Was one of the best individuals I ever knew to work for Crop Insurance, faithful from way back in the '60s. I'm sure he won't mind me mentioning his name because he was a very faithful servant, but maybe he quit on his own, maybe he took early retirement. I don't know. But I'd like to know whether he, Mr. Chris Wass, took early retirement or quit on his own or whether you fired him like you did the rest.

Hon. Mr. Cunningham: — Mr. Wass took early retirement.

Mr. Muirhead: — Was he . . . That's fine if he took it voluntarily. But was he offered early retirement, or was he forced into early retirement?

Hon. Mr. Cunningham: — Again, that position was eliminated. He was given the option of early retirement and he took it. I think that's . . . we did that where we could throughout government when positions are eliminated. If people who are eligible for early retirement . . . If you take early retirement it makes room for somebody younger. Certainly don't deny that there are a lot of good people in Saskatchewan who need jobs and are looking for jobs, and there certainly are, but they can't all have jobs or they aren't finding jobs. Certainly when we downsize somebody has to go, and I guess with the admissions that the member opposite makes that they all were political hirings, I guess we would had to have eliminated all of them to be truly political, and we certainly didn't do that.

Mr. Muirhead: — No, you wouldn't have to do that because we fired very few of them in 1982. Mr. Wass and Mr. Walters was there through three governments. And you had absolutely no reason to take a man like Jim Walters and fire him — a good man like him — and he was good.

And I'm quite satisfied if Chris Wass took an early

retirement on an involuntary. And I just want to leave this comment, that of all the years that I've been involved with government, and that was over nine years, and I never knew an individual that was more dedicated to his job than Chris Wass. And I'd just like to take this opportunity also to . . . if he's listening tonight or whatever, somebody knows him — that I want to congratulate him for his dedication to Crop Insurance for a long period of time. I know he started sometimes in the '60s. And I'm hoping that what you're saying is a factual, that he did take . . . and I'll take that for granted that he had voluntarily took early retirement.

Just got one last question and that's . . . and I don't know this individual's name, but it was the individual that was fired from Rosetown about a year ago from now, the clerk out there. And that's the one that denied the then minister of Agriculture's wife crop insurance.

Now did she ever get a job back with the Crop Insurance? Did that go to court? Because I had letters from a lawyer wanting information on that and I haven't heard what's happened to that. Could you update me what happened to that lady that got popped because she wouldn't give crop insurance to the minister of Agriculture's wife?

Hon. Mr. Cunningham: — That person was let go on June 1 of '92 and received a severance, and settlement is complete to the best of my knowledge.

Mr. Muirhead: — Okay, thank you. That's all the questions I had, and I thank you for your questions and your . . . for your answers to my questions.

Mr. Martens: — Thank you, Mr. Chairman. I have a couple of questions on your costs on administration, Mr. Minister. As I was going through a review of the different administration costs over the years, 1991 stuck out significantly. And as I was going through it, I wondered why, because I didn't have the '92-93 estimates, nor did I have the actual. And when I looked through it, you took and put \$36 million of interest costs into the administration.

And my question to you is: where did that administrative costs come in 1991 that made it that high? And I guess I need to know which interest-accumulated group . . . did it come from the reinsurance side of it? Did it come from the debt side of Crop Insurance? Where did that come from?

Hon. Mr. Cunningham: — The admin, of course, went up because of GRIP (gross revenue insurance program). The 36 million that you point out in interest is basically, as I understand it, an accounting change. It's a flow-through. It's in revenue and then it appears again as expenses. And that's there because of a change in accounting, which I'm not . . . totally understand why. It's a reinsurance fund interest, is the interest that's there. It didn't show up before but it shows up in this account in two places, as offsetting revenue and expense.

Mr. Martens: — Does the federal government pay 50 per cent . . . no, it pays about 65 per cent of the reinsurance interest costs and we pay about 35 per cent. Is that right?

Hon. Mr. Cunningham: — Each party is responsible for their own interest costs on the reinsurance fund, so it doesn't show up in the accounting. The formula is, I think we pay the first two and a half per cent and then the balance is split 75/25.

Mr. Martens: — Today? Or is that what was in place for this year, for 1991?

Hon. Mr. Cunningham: — That formula hasn't changed. That's the same.

Mr. Martens: — You're saying that the interest costs on the reinsurance fund is two and a half per cent ours, and then 25 per cent, and the rest is all federal government's share.

Hon. Mr. Cunningham: — That is correct.

Mr. Martens: — On administration costs . . . What's the split on the administration costs?

Hon. Mr. Cunningham: — Admin costs are split 50/50.

Mr. Martens: — Did the federal government pay twice? Did the federal government pay the 75 per cent on the administration . . . or the interest costs on the reinsurance? And then did you re-enter the \$36 million under the administration costs, and then get another 50 per cent of that paid?

Hon. Mr. Cunningham: — No, unfortunately not.

Mr. Martens: — Could I have . . . could I have a letter from the Department of Agriculture federally that would indicate that that was not the case?

Hon. Mr. Cunningham: — We could confirm that. I certainly wouldn't want to tell them about it if they had, because it would be a major bonus for us. But we can . . . They certainly don't . . . They don't pick up a share of the interest costs on the reinsurance fund. That is our responsibility. The administration of the program is split 50/50. The reinsurance fund is another formula and they certainly didn't get double billed. But we can have that confirmed. I believe they will do that for us.

Mr. Martens: — Well I'd like to have that because I picked that up because actually what you said to start with, was that the reason this went . . . the administration costs went up in 1991 was because of GRIP. That's not a fact, Mr. Minister. Because that interest taken out, out of the 60 million, is \$26 million cost. Your cost in 1992 is substantially higher than that. In fact your administration cost is 28 million plus another 5 million. So you got \$33 million roughly in total costs and administration for 1992. If what we do is add those numbers together from your supplementary estimates and what was in there from

the previous year — even if we don't — you're still \$2 million higher than you were in 1991.

And that, Mr. Minister, is really the fact. What you did is you . . . I don't know for what other reason than to identify that the \$60 million was because of GRIP. Because it wasn't because of GRIP; it was interest cost on something else that you put in there.

And that, Mr. Minister, I'd like to have you confirm that with the federal government, Department of Agriculture, that that 36 million was not paid . . . 50 per cent of that administration cost did not include that \$36 million.

Hon. Mr. Cunningham: — Well when I said '91 was up, I didn't mean it was up from '92. Normally you go the other direction. And I think '91 was the first year of GRIP and so the crop insurance was up from the previous year, which is absolutely natural. And GRIP of course remained in '92 somewhat, I might add, cheaper, a more efficient program to administer.

But the administration costs in '92 again were up from '91, certainly, and that largely the result of a frost and 50,000 claims, which I don't think is probably a record high for the province. And that's where the admin costs are in '92.

But you asked why the '91 was up — I assumed you meant over the previous year — and that was because of the first year of GRIP. Obviously there was some administration cost to the program.

(1945)

Mr. Martens: — The member for Arm River asked you a question about some individuals that were fired. You said 26. Is that include the 7 agents that you released?

Hon. Mr. Cunningham: — No, those numbers apparently do not include the agents, and I again may have misspoke that. We have a real difficulty with the numbers because we have positions that were eliminated. And then you asked for people, and it's . . . we're running through it, trying to count up people. But the 26 employees was separate from the 7 agents.

Mr. Martens: — In your lay-offs in Agriculture when we were going through the estimates in Agriculture, did you move any of the employees of Crop Insurance into the . . . or Agriculture into Crop Insurance? Did you do any transfers in any one of . . . that way at all?

Hon. Mr. Cunningham: — No, we did not either way.

Mr. Martens: — Of these 26 individuals, is that individuals or positions or which way? And if you want to talk about positions and these are individuals, then tell me how many positions you eliminated.

Hon. Mr. Cunningham: — There were 16 positions eliminated, not including the agents.

Mr. Martens: — I would assume then that the 26 is the

number of people and then 16 on top of that. Or does the 16 positions eliminated constitute part of the 26?

Hon. Mr. Cunningham: — Well the 16 constitutes part of the 26.

Mr. Martens: — How many of the 26 are you having difficulty with in relation to a challenge by the Labour Relations Board?

Hon. Mr. Cunningham: — There are two positions which are issuing a challenge through the Labour Relations Board.

Mr. Martens: — Did any of the 26 have a severance package attached to any of their releases?

Hon. Mr. Cunningham: — There are 16 positions that had severances.

Mr. Martens: — For a total of how many dollars? And how many are outstanding?

Hon. Mr. Cunningham: — There is one outstanding severance remaining. The total of the others is \$528,889.

Mr. Martens: — A question on this spring's seeded acreage report. When are the customer service offices and the agents going to get those . . . or the farmer is going to get those seeded acreage reports?

Hon. Mr. Cunningham: — Those reports went out yesterday I'm told.

Mr. Martens: — We had a significant group of people asking for them already and so they were worried about that.

If an individual does not file his seeded acreage report, what's the status of that contract?

Hon. Mr. Cunningham: — To clarify my previous remark, I said they went out yesterday. They went out to the agents so they should be to the farmers very shortly.

If they're not filed, then we will go out and get it, and they will be insured as if it had been filed. There is a \$60 penalty, I believe. I know because I've paid it once. I don't know, if the policy hasn't changed, I think it's still a \$60 penalty for not filing on time.

Mr. Martens: — What is . . . I don't know whether I entirely heard you. What is the status of the contract if the person doesn't file his seeded acreage report?

Hon. Mr. Cunningham: — The contract will still be in force as if he had filed it. We will go out and be sure that it gets completed so that we have their record of the acreages and the producer will, I think, get a \$60 penalty but he still will have insurance as if he'd have been filed on time.

Mr. Martens: — Okay. The member from Arm River raised some questions about political appointments

and you were naive enough to get up and talk about the fact that you were so generous and did things right and all that. Well there was a individual who was the business agent for the NDP candidate in my constituency who got appointed to the Crop Insurance board. Of course it wouldn't have been anything political, but on the other hand it might have been.

And so I want to say to you, Mr. Minister, that I don't have a problem with political appointments. I have a problem with people saying they're not going to do it and then they do it anyway. That's what I have a problem with and that's what a lot of people in this province have a problem with.

The problem is that you said it: you weren't going to do it and you went ahead and did it. And you've done it across the board in hundreds and hundreds of people. And that's what the problem is, Mr. Minister. I'm not going to give you the individual's name but you can find out where she's from and you'll know who it is. And that, Mr. Minister, is the reason why people in the province are sceptical about what you do, and they're sceptical about what you're going to do.

Another question I have for you: what are you going to do when you phase out the revenue insurance in two years and you phase it out? Are you going to go back after the farmers for all of the premium payments that are going to be required to reduce the volume of indebtedness in reinsurance? Are you going to go after the farmers for that volume of dollars?

The second question to that: if in fact there is a surplus in that fund, will you give it back to the farmers?

Hon. Mr. Cunningham: — The GRIP program, as you know, now has a deficit. If prices hold at what we predict or national grain bureau predicts — and of course that's a very shaky prediction, as you know, with grain prices — but if those predictions hold, our numbers show us with a slight surplus in the fund at the end of the two years. The agreement is silent as to what happens to a surplus in the fund. The deficit, if there's a deficit in the fund, is the responsibility of 35 per cent provincial government, 65 per cent federal government. But the agreement is silent on the surplus. Certainly one option would be to repay it to the farmers, particularly if it's a sizeable amount.

Mr. Martens: — On the details as it relates to the opting out of the federal-provincial agreement, you have two years to get out of it. You said that the volume of dollars, if everything is sort of average, then we'll probably have a surplus, a slight surplus. Is there any reason to believe that you should be changing the numbers any more than you did this year? Because this year you changed them very significantly in relation to the individual's coverage. And that is the reason why you're going to have a change in the whole format of what is going to be able to or required to be paid out and what is going to be received by the farmers. So there was a significant change this year already. Are you going to do that again next year in

order to make that little bit of a surplus?

Hon. Mr. Cunningham: — I thought you were referring to gross revenue insurance and GRIP premiums. We reduced our GRIP premiums by about 20 per cent this year. We could have reduced them more except the agreement, the federal-provincial agreement on the original GRIP agreement has a sleeve in it which only allows premiums to move up so much over a five-year period. It also only allows them to drop so much over a five-year period, and we hit the limit as to how much we can drop.

And unless we can get agreement with the federal government, we will next year be in a position where we will not be able to lower our GRIP premiums because we will be at the bottom of the sleeve and the five-year period.

Mr. Martens: — That drop was 2 per cent . . . no, 5 per cent below the average and 5 per cent above the average. And that was a 10 per cent moving sleeve, I believe. Is that right?

Hon. Mr. Cunningham: — It's a 6 per cent moving sleeve.

Mr. Martens: — 6 per cent above and 6 per cent below?

Hon. Mr. Cunningham: — That's correct.

Mr. Martens: — So then we need to encourage the federal government to see whether they're going to realign that sleeve. Is that correct?

Hon. Mr. Cunningham: — That certainly will be correct for next year. And as you know, the coverage levels on the GRIP program are going downhill. And if grain prices move up and it looks like there won't be a pay-out next year, we will certainly be negotiating to be able to reduce our premiums.

Mr. Martens: — I don't recall whether you answered the question on whether there was — maybe I didn't even ask it — was there a reduction in the volume of individuals who took contracts on their livestock, the grass side insurance and the feed option?

Hon. Mr. Cunningham: — Yes, there was a substantial drop in the livestock feed insurance — 2,993 people for our producers for a 37 per cent drop in people covered.

Mr. Martens: — And what was the reason for that?

Hon. Mr. Cunningham: — The reason for that was dramatically higher premiums and lower coverage. The program was not actuarially sound, had run up some huge deficits in a very short period of time, and the actuary study that we did demanded drastic action to bring the thing back into line to be actuarially sound. And that resulted in very substantially higher premiums and less coverage, and that, I assume, is the reason that producers dropped out.

(2000)

Mr. Martens: — Well I just happen to live on a split between two regions — one was high and one was low. And when we got the balance back, it was a 1 per cent increase. So which parts of the province really were the highest out of line in relation to their production yields and which ones were most reasonable?

Hon. Mr. Cunningham: — We'll have to get that for you, I think. We just don't have the numbers here.

Mr. Martens: — If you wouldn't mind, get for me the information that dealt with what they were and what they changed to, and that would provide a reasonable observation.

What's the earliest date that you could possibly pay out on the feed program, both the grazing and the feed option. What's the earliest possible date you could pay that out?

Hon. Mr. Cunningham: — Likely it would be . . . sometime in October would be the soonest that we would be able to collect all the data from the area to make the calculations in order to make pay-outs.

Mr. Martens: — If the conditions continue to exist as they are, there would be significant reason why you couldn't start a lot earlier, because you're not going to get the production — especially on the native grass — you're not going to get the production after the end of June anyway. And so you're very safe in going out and looking into whether in fact you could do the assessments earlier than late.

The reason I'm asking the question is if the ranchers and the farmers knew that they were going to have that come to them, they could probably go and buy their barley and their feed grains at a earlier date, rather than at a later date, with cash that they would have on hand. And that's what this is for anyway. And I would suggest that, seeing whether you couldn't move that date forward sufficiently enough to give them a reasonable opportunity at some of this feed wheat that's hanging around that many people would like to get rid of.

Hon. Mr. Cunningham: — Yes, I think that's a very good point. In fact at the stock growers' meeting, I talked to couple of producers who suggested the same thing. Some of them are looking at feeding their cattle right now, and you know they obviously need money for feed and the sooner we can get the cheque to them the better. I don't know exactly what we can do, but certainly it's an option. If it doesn't rain till the end of the July sometime, we obviously know that there is not going to be any pasture and maybe we can speed it up. That's something we certainly will be looking into.

Mr. Martens: — There's one thing that is certain, that your production, if it stays at the same level it is today, it isn't going to be equivalent to very much. And calculate it on the basis that other years you've paid out, you should

be able to calculate that you should be able to get some of that money, at least, to those producers, as an interim step.

And I know you shouldn't do it without measuring, but I was out riding in the pasture on Saturday and there was almost nothing growing. And that seeded grass is in . . . there was normally lots of volume there but it's a strange year out there. There's frost caught the damage, the plants; there's drought, and cold weather, and nothing seems to be growing in. And so it's a very serious problem.

The other thing that I wanted to raise with you on the question of crop insurance on the grain side. Have you had any requests for reseeded come to the office?

Hon. Mr. Cunningham: — There has been some requests. The officials say a small amount due to frost of course in some of the areas but not a large amount at this time.

Mr. Toth: — Thank you, Mr. Chairman. Mr. Chairman, I've a couple of questions here. First of all I'd like to go back to wildlife crop depredation. I understand that Crop Insurance has now picked up and responsible for wildlife crop depredation. What I'm wondering is, does a person, a farmer, have to be . . . carry crop insurance to receive any coverage for wildlife damage?

Hon. Mr. Cunningham: — No.

Mr. Toth: — So if a farmer isn't involved in crop insurance, and they have wildlife damage, they make a claim to Crop Insurance, Crop Insurance comes out and adjusts. What basis then does Crop Insurance use to arrive at a settlement factor? Is it based on what the crop would have produced in the area that's destroyed? And what dollar value would they use?

Hon. Mr. Cunningham: — Yes, that has been the procedure. We are looking at that program and there may be changes to the wildlife side again. There's two programs: one which is wildlife, which is big game, which is provincial; and the other which is waterfowl, which is federal. But that's essentially how damage is measured. It's the area and the amount the crop would have yielded, and the per cent, and paid out on that basis.

Mr. Toth: — So, Mr. Minister, I guess I should have clarified it a little bit because what I'm talking about is the big-game damage. And that's certainly an area — down in my area, anyway — there's a number of . . . down along the Qu'Appelle and along the Moose Mountain, getting toward harvest time, there's an area where we do run into some major problems. Mr. Minister, is there a maximum amount paid out, or is the payment now based on actual loss?

Hon. Mr. Cunningham: — The maximum is \$2,500. This had been in effect this year, and apparently has been for a few years.

Mr. Toth: — So what you're saying, even though Crop Insurance administers it, there's still a maximum of

\$2,500. And when you talk about that maximum \$2,500, is it also true that there's a maximum in the fund, and if the requests for that fund far exceed, then the pay-out is prorated on the basis of the requests and the dollar value that's available?

Hon. Mr. Cunningham: — That has been the practice. This year fortunately the damage was not that high and we did not have to prorate it. They were paid out 100 per cent this year. But that has been the practice.

Mr. Toth: — Well it would seem to me, Mr. Minister, that maybe the reason the damage wasn't that high was the fact that more people than not chose not to report their claims. Because that's one of the major concerns I get, at least that are raised with me. And people have just gotten tired of applying because of the fact that when they've applied . . . They've had their damage assessed, and then they've made their application; their application may be for a \$1,700 claim, and maybe a year later they might receive . . . the information comes back, well we've had so many claims, we have to wait till all the claims come in and we'll see whether we've got enough money to pay you your full amount or to prorate that factor. And I think what's happening, Mr. Minister, more people than not are just deciding that it's just a waste of time and it's a hassle to apply for crop compensation for wildlife damage, when at the end of the day you may end up rather than in that 2 or even \$5,000 range, you may end up with \$200. So I think that's one of the reasons that people aren't applying.

Another question I'd like to ask, Mr. Minister. And it goes back to a file, and I sent a request to your office. Unfortunately I didn't receive anything back from your office regarding the request. It goes back to a contract on yellow mustard, I believe it was, in 1991. And it comes from a constituent at Welwyn, contract number 01633. And I spoke to you personally about it and at the time, and I believe you followed up but I didn't receive any response yet. The letter I sent to your office was dated March 24. I don't remember if I put the individual's name in here but it's . . . yes, I received a letter back from your office that you'd be looking into it. And I actually sent you all the information. It comes from a Mr. Henry Griemann.

And, Mr. Minister, back on . . . this is regarding a 1991 claim and in December of '92, Mr. Griemann received a payment of 5,141.94 and his balance outstanding was considered zero. In February of . . . and that was received on January 31, 1993, and this is going back to a 1991 claim. And then a month later, Mr. Griemann received a notice in the mail that he now owed Crop Insurance 3,195.64.

Now this contract was based on a point . . . I believe the grade factor used at that time in establishing his yellow mustard . . . he had a hail insurance claim on the mustard, he had hail had gone through, and then he was able to harvest the mustard, but at the end of the day the mustard came off as sample. And going back and relating the prices at that time, they established the grade factor to be .35 and based on that he received that payment.

And then as I indicate, all of a sudden on . . . his payment was received in January of '93 and in February of '93 he now owes \$3,195. And when he went to try and find out why the change, he was finally told at the end of the day that the grade factor had changed to .6 from .35.

And, Mr. Minister, Mr. Griemann took the time to . . . and he was told the grade factor had changed because of the price differential, the price changes. And yet he checked — he'd always marketed his product through Humboldt Flour Mills — and he checked the prices and 1991 no. 1 mustard was 11 cents a pound, sample 5.75. The '92 price was 11.50 and sample was 6.75; '93 was 11 cents a pound and sample was 5.75.

And to me, Mr. Minister, and in his mind as well, there isn't a big change in the price factor that should call for a major change in the grade factor which indeed then put him, instead of a claim position, put him in a position where he actually . . . it cost him some money and he had to pay back to the corporation.

I'm wondering how the corporation came about and decided that over a year later the grade factor was wrong and they changed it without even conferring with the customers.

Hon. Mr. Cunningham: — I can remember the particular file but only vaguely. I believe we did write to the producer to explain the situation to him and we didn't carbon copy you. I apologize for that.

The situation I think was an error and I just . . . Nobody here has that at their fingertips. That may have occurred with several. I think there was one error we made with peas which people got a cheque, and the other error on mustard was the other way and they got a bill which was unfortunate. But we certainly will . . . I will commit to again look into that and get you the facts on it and any correspondence that we sent to the producer if we did so.

Mr. Toth: — Well, Mr. Minister, I certainly would appreciate receiving the comments or at least a copy of the letters so I can be better informed and also follow up with Mr. Griemann.

I guess the major question I have is the information he received indicated that the reason was the change in the . . . I think right here I'm just going to quickly . . . Mr. Griemann was told that the factor was changed because of the difference in the price of no. 1 mustard to sample mustard price had changed. And as I indicated I went through those prices and basically it's almost fairly level. There was very little change between no. 1 and sample. They basically stayed pretty close to the same which . . .

So I don't exactly know how the grade factor could be changed and why it should be changed a year after the fact when this was a 1991 claim and partial pay-out was made out in 1992. Final pay-out was made in January of '93 and then in February of '93 — this is a year and a half after the claim was submitted — why

there would be a change made at that time and a substantial change to say the least.

Certainly I'm sure any producer would find it very difficult to all of a sudden understand why he owed money when he had received a cheque and had basically signed off, saying okay, I'll accept that. I think it's fair. Maybe Crop Insurance made out better than I did but I think we've come to a reasonable consensus on that and then to have it, all of a sudden have it changed.

And I'm wondering how Crop Insurance could make a change a year and a half after the fact. And I'd also like to know, Mr. Minister, how many other contracts ended up in the same scenario?

(2015)

Hon. Mr. Cunningham: — Well I don't have an explanation for you on that and certainly we'll get one for you and again apologize if we did not get back to you on that.

Mr. Martens: — I have just one final question on the agents. Are you going to phase out the agents in two years? What's your plan for that area? I know that there has been significant use of those men and women across the province for a variety of responsibilities. And I think they have served their communities well, knowing some of the responsibilities they've taken on and delivered, even some of the things that you suggested like your former minister, the member from Rosetown-Elrose, asked them to go out and do a sell job on the variable price option. And they went and did that. And I think that they have done almost a yeoman service for the corporation out there. I do not believe that the dollars spent there is being misused, or it is a value for the dollar because of a customer service option that they provide.

What's your view of where they're going to be in two years, because I suspect that they're beginning to wonder, knowing that you're phasing out of the revenue insurance portion. Are you going to phase them out as well?

Hon. Mr. Cunningham: — Well to start with I would like to agree with your comments that they have done yeoman service in some very rushed circumstances when members opposite were in government and when we were in government making changes at the last moment and again this spring having great difficulty getting actuarial reports and numbers from the federal government. So that we put them under a great deal of pressure and they were able to deliver the program in a very timely fashion. And certainly I agree with the member on that.

I guess there are several options that we're going to have to look at. There are some factors we have to look at. What program ultimately replaces GRIP will have some influence on it, whether that's administered through Crop Insurance. Certainly we don't expect Crop Insurance to disappear so there will be some possible function there and we will have to

look at the most cost-effective way to deliver the service. And we have the CSO offices and the agents and adjusters and the whole . . . We're constantly looking at this system. And I guess I can't make any commitments as to where we'll be in two years, but certainly there's no decision been made to phase them out or eliminate them at this time.

Mr. Martens: — Are any of the offices that they have been . . . taken, that Crop Insurance has been reducing their volume of staff, are any of those offices now being . . . Is the rents being still paid on them or are there any empty ones in relation to the 52 rural service centres that had some closures in them? Were there any Crop Insurance offices in any one of those 52 that were closed?

Hon. Mr. Cunningham: — There were three of the rural service centres that had Crop Insurance staff in them that were closed. I don't know the situation, whether any of those have been sublet to date or not. I think certainly we have contracts on them, some of them for a very long period of time, some of them for a year or two. I don't know on those particular three but we are attempting to sublet or renegotiate leases on those.

Item 1 agreed to.

Items 2 and 3 agreed to.

Vote 46 agreed to.

The Chairperson: — If the minister would like to thank his officials.

Hon. Mr. Cunningham: — Certainly, Mr. Chairman. I would like to thank my officials for their attendance here tonight and the hard work they've done. And also the members opposite for the questions and the cooperation.

Mr. Martens: — Thank you, Mr. Chairman. You did the *Supplementary Estimates* and where are the Crop Insurance estimates for '93 going to come? Are they going to be voted in Agriculture or are they going to be voted here today?

Hon. Mr. Cunningham: — I believe they're going to be voted at Crown Corporations which is where we've just done the . . .

An Hon. Member: — I don't think you're right.

Hon. Mr. Cunningham: — That was my understanding. If they're not then they will be voted here with Agriculture.

Hon. Mr. Shillington: — I may have to get back to you on that. I'm not sure we know for sure. But if you like, we'll get back to you in writing on that, if you want that undertaking.

Mr. Martens: — Thank you, Mr. Chairman. They are \$104 million under the Agriculture budget, and if they're going to be voted there, I have no problem

doing that. I would have liked to have known that prior, then I would have asked it on the supplement only and then we could have gotten out of here quicker. And we could ask the question in Agriculture estimates and done that, but we will wait for your explanation at a later date.

Hon. Mr. Shillington: — I will move the committee rise, report significant progress and ask leave to sit again at an early date, Mr. Chairman.

Mr. Martens: — Thank you, Mr. Chairman. I want to thank the minister and his officials for attending and answering the questions here today, and we'll wait for that resolution of the problem to come forward.

The committee reported progress.

COMMITTEE OF THE WHOLE

Bill No. 56 — An Act respecting Occupational Health and Safety

The Chair: — I'll ask the Minister of Labour to introduce his officials who are assisting him in the committee.

Hon. Mr. Shillington: — The members will recognize the deputy minister of Labour, Merran Proctor, from yesterday afternoon and evening. Seated behind Ms. Proctor is the acting executive director of occupational health and safety, Terry Stevens; sitting behind me is John Alderman, the director of special projects.

Clause 1

Mr. Goohsen: — Thank you, Mr. Chairman. I want to say hello to John Alderman whom I met in North Battleford not so long back. Good to see you here tonight.

Mr. Minister, we have sort of gone through this in round one last night with Bill 56 . . . or 55 rather, and 56 of course is tonight.

Response of course to Bill 55 would be interesting because it will directly reflect the views the people will have on how we handle Bill 56. And the fact of the matter, sir, is that we have had no positive response today to what we did in achieving any changes to Bill 55 yesterday. In fact the business community and the province in general have reported to me that they are feeling betrayed, in a word. The only word that I can use to describe what they have said.

They said that they had thought that by asking the opposition to work in the direction of making sure that these Bills didn't pass immediately that they in fact were kept from going into the final stages of becoming law for some period of time, that they would in fact then have enough time to initiate some consultation, some negotiation, and hopefully some compromise.

We in opposition were happy to take the position of attempting to orchestrate that from our point of view.

And I don't know how we accomplished that, but jointly between your side and ours, we've managed to keep this from becoming law for some considerable length of time.

One of the dates I have on here is April something, and obviously there has been a considerable length of time, so we feel that we have done our part in the process.

We also were asked if we would assist with making some amendments up that would alleviate the concerns and problems. With the help of the Law Clerk we did that, and we've done it again with this Bill tonight.

And I want to, Mr. Chairman, to have the minister reflect on how the feelings of the community out there with regards to Bill 55 will be reflected once again with Bill 56 because they are so closely linked in the effects that they will have on the community of Saskatchewan as a whole.

(2030)

The fact of the matter is, Minister, that the business community let us know that they felt that they had come to some kind of a consensus of an agreement with your officials and with yourself with regards to bringing in amendments to Bill 55 and Bill 56 that would legitimately alleviate their concerns and their problems. They felt they had that assurance. They felt that they had been not totally satisfied, but a compromise had been struck.

The reality is though that today upon reflecting on what has happened to Bill 55, the community, as I have said to you, has indicated that in a word they are betrayed. I hope that we can do better tonight on Bill 56. I hope that we can be honest with the people of Saskatchewan and not once again betray either the business community or the working people of our province.

And having said that as a general comment, I want you to know that we have here delivered to the Clerk, we will be tabling, 46 amendments to the Bill before us, Bill 56, The Occupational Health and Safety Act, 1993.

Now we have had requests from the Canadian Federation of Independent Business as well as several other groups in the province. But I will mention them because they went to the physical effort of spelling out specifically what kinds of amendments would alleviate their concerns. We took them and compared them to briefs and presentations that we got from others, for example the Prairie Implement Manufacturers.

We found a lot of similar requests from all of these organizations, and so the lists were submitted to the Law Clerk and he has been kind enough to put the effort and work necessary into drafting the amendments to . . . 46 amendments. A tremendous workload that we have put on this gentleman and his

staff and he did a remarkable job in such a rather short time I think that he's had to work on it. So I want to compliment the staff of the Assembly there for the good work that they've done.

I hope that that work is not all in vain. I hope that you can find it in your heart to accept some of these amendments, not because they are particularly the amendments of the opposition, but because they are presented by the opposition on behalf of the people who will be most concerned with the result. That being of course the workers of our province and the business community who provides the jobs, and of course those third-party entities such as local governments, municipalities, and government itself who employs a lot of people.

All of those people are concerned with this legislation because The Occupational Health and Safety Act of course requires people to do things in a safe and reasonable manner so that people don't get hurt. It's as simple as that. Unfortunately I don't believe that we will ever have 100 per cent perfection yet it is worth striving for.

And with that I want you to know as we set out here where we're coming from with some of our amendments and why, and what the concerns of the community is in general as they have presented them to us, those concerns. They have presented these concerns to us. As they did with The Workers' Compensation Act, they did with this Act. And the most ominous things that they find of course are the scariest, the liability, and of course the search and seizure.

The search and seizure clauses of the Bill make it the most ominous and repugnant Bill that I've ever seen and hope never to see ever again. It is my opinion that this turns our province into a police state. I don't believe that justice is served by going this far any better than by doing it through the legal system of warrants through our court system. When court warrants are requested, it is my opinion that, and has been explained to me, that this is done without forewarning the people that are going to be checked on. They are not tipped off as the phrase out on the streets might be put. It is simply a safeguard where you have an independent person, a judge, someone who is free of all of the encumbrances that go along with our society such as pressure of finances, pressure of politics: all those things are supposedly removed from the judicial system and from judges. And when a judge is asked for a search warrant, Minister, that doesn't tip off anybody that's going to be checked out. It simply means that you have a third, independent party assessing whether or not what is going to be done is rational or if it is vindictive or mean spirited. And while that can't always be 100 per cent for sure, it does take out an awful lot of the risk of unfair treatment of the people concerned.

And I think that when you set up a law that takes away one person's rights in order to give somebody else a right, you have not served society very well and it will backfire. I'm quite sure that you will find serious,

serious problems with this piece of legislation if we allow it to go as it has been written.

And not knowing just for sure how many amendments you yourself plan to put in, whether or not they will in fact correct some of the problems we have identified, we have no choice in the matter but to proceed with the presentation of our amendments. Had we been able to compare notes, we might have been able to save the taxpayers a lot of time and a lot of money. But we just have to plod on because this is the nature of the beast, I guess, in the way that we are required to do the job.

I'm going to refer to some of the notes from each of the participants who have presented us with material, to give you a view and a spectrum of where they are coming from and to show you that they are basically agreed. From the Saskatchewan business coalition news release, which you obviously will have had, I will just simply quote a couple of paragraphs to make my point.

It starts:

Occupational Health and Safety Act too ominous.

The Saskatchewan Business Coalition says that "the proposed new Occupational Health and Safety Act, as drafted by the Department of Labour is too ominous". The business community is supportive of changes designed to enhance a co-operative approach to workplace health and safety concerns. The Coalition says the Minister of Labour is proposing unreasonable rules and procedures that could lead to confrontation, rather than co-operation. Business leaders are expressing concern that "the proposed legislation will be a disincentive to job creation and economic renewal, which (would) ... be the prime focus of both the Government and business."

Now, Mr. Minister, reflect on that for a minute. I haven't heard anyone say that they don't want you to make the necessary changes to make the workplace a safer place. I haven't heard business say that; I haven't certainly heard labour say that. They want the workplace to be safe. But they don't want a ton of paperwork and they don't want their rights taken away under the court system to protect their interests and their rights.

The tone of many of the proposed amendments is disconcerting because the amendments are coupled with extreme discretionary powers which the Act vests in Labour department officials. No problem with labour here. The problem with the kind of power structure that you're setting up, with officials in charge having the kinds of rights that I've only heard described in the movies, as going along with people like the SS (Schutzstaffel).

In fact I'll quote again.

. . . the Coalition points out that the powers of Occupational Health and Safety Officers exceed those of peace officers for search and seizure without warrants. These new powers are to be exercised by Occupational Health and Safety Branch personnel who have limited or no training in newly assigned areas such as harassment adjudication, mediation, assessment of violence, etc. The complete immunity provided to branch employees is unacceptable, without some protection from vexatious or frivolous acts by branch officials, which could be very costly to employers. There is not even any time frames within which branch officials would be required to attend and attempt to resolve alleged problems which could for example, involve a serious work stoppage.

Now, Minister, obviously in our world we have the misfortune of having some people who are vexatious and who are frivolous. It's not nice to have to say this, but I have to accept the reality that there are some people who are rather wicked and will do things in order to hurt other people without just cause.

And those people who have the responsibility of providing the jobs and the economic backbone of our country through industry and business, those people have to be protected to some extent in that those folks who make accusations against them have to be held accountable, and have to be held accountable in such a way that when they make an accusation, if they are wrong, they either have to apologize, or if they're seriously wrong and cause very serious trouble, they have to be in a position to receive a penalty for that unnecessary problem that they cause for society and for that particular business. You have removed all of that in this Act. I see every, every bit of all responsibility removed. No one in . . . all the way through the list, and I recall looking at the one list where there's a list of five or seven or more different named groups that are immune to all kinds of redress or any kind of reprimand or any kind of court action, starting from the minister and going all the way through. Any department official can literally decide to wipe out a business.

What might such a vindictive act be? Suppose the businessman has had some kind of a personal relationship with an employer, and that goes sour. And that individual gets to know an occupational health worker — perhaps it's a brother-in-law or someone close to him, a friend — and he says, this fellow who runs the business did me wrong. I'd sure like to get even with him. And the other guy says, let me take care of it; I'll shut his plant down and make up a story about how he's got some unhealthy work conditions.

He can literally go in there, start all this process, could stop the whole business, shut it down, simply because of some frivolous little thing like that. And yet there's no redress against that officer. The businessman could prove beyond a shadow of a doubt that that officer had been vindictive and had done nothing right at all and

yet the court system couldn't touch him. That's not right. And I know that is a very serious thing to talk about, and it's a very serious exaggeration, but I feel like I have to make an exaggerated point in order to make our point tonight.

Believe me, Minister, if we had had any success whatever with Bill 55, I certainly wouldn't be standing up getting blisters on my feet, doing this long deliberation tonight to try to make our point. But it is unfortunate but necessary that we do in fact make this point tonight.

I want to now go to some notes that we have from the Prairie Implement Manufacturers to prove our point that these folks are on the same wavelength. The introduction:

The business community of Saskatchewan is completely supportive of the principles of Occupational Health and Safety. The environment in which we all work, whether management or labour, should be free from hazard as is reasonable and practical given current technology and access to resources. It is for this reason that the business community of Saskatchewan is concerned with the revisions to The Occupational Health and Safety Act, 1993 as proposed.

Many of the revisions included in the draft Act do little to improve occupational health and safety and are seen to entrench an adversarial relationship between the Occupational health and Safety Branch and employers, and among employees in a workplace environment.

Almost exactly the same kind of thought trend as we have noted from the other groups.

(2045)

The draft Act has made provisions in several sections and in numerous circumstances for referral to Branch Inspectors. These include, beyond health and safety issues, mediation, harassment investigation, and human rights investigation. These are well beyond the scope of traditional occupational health and safety officers creating unnecessary duplication of legislated enforcement and review.

Now having heard that all of these folks are so upset with the way and the process that you have gone about this amendment to the Act, I want to pose to you a couple of direct questions, Minister, before I go into the rest of the process of getting into the amendments.

We will see identified in the Act immunity against all, and it's under section 85 if you want to simply take note of that. Under section 72, we have the problem — I have to get my ducks in line again — relating to search and seizure — that's the one — and there are several sections in 72. Now I've cherry-picked a couple of those because they are of importance. Also of importance, of course, will be the vicarious liability

section. I think that's 52, I didn't double-check that. But anyway, whatever sections those are that deal with those three specific issues.

Have you any intention, Mr. Minister, of tonight introducing amendments that will alleviate the problems that the business community and the workers of this province have with the way you have drawn up this draft legislation which is now becoming legislation.

Hon. Mr. Shillington: — I thank the member for his comments. And I tend to agree with the member that there is no difference in our goals. Our goals are a safer workplace, a reduction in accidents, a reduction in the number of deaths.

And in case anyone thinks the problem belongs to another decade or another era, we just had a young workman driving a tractor, killed a few days ago, who it appears drowned when his tractor upset and he was pinned underneath it . . . (inaudible interjection) . . . I didn't catch the learned comments of the member from Wilkie . . . (inaudible interjection) . . . I just say with respect to the member from Wilkie, I wouldn't make any judgements about that. The matter is under investigation. I wouldn't make any hasty decisions. We're not, and I advise you not to either.

The history of these amendments is it's not something that was concocted in the dead of night by the department. This process began with the establishment of an occupational health and safety council under the government of . . . the former government in 1989. It reviewed the area, made a number of amendments. The government of the day did not act upon the amendments and they were still in virgin form — if I can use that phrase — when we took office.

We reconstituted the committee, asked them to review them, and they did so. The amendments were then introduced as a White Paper in the last session and received very little comment. They received considerable comment when a draft of the Bill was circulated along with the workers' compensation Bill to the business community.

The degree of consultation which has surrounded this Bill must exceed anything which has ever been done for any piece of legislation in the history of this province. The process began in 1989. Briefs were held. A White Paper was introduced. The Act was redrafted. A draft was — and this is what is so unusual — a draft was circulated among the business community. Their response was received. Quite a number of meetings were held between representatives, people lobbying on behalf of the business community, and members of this department. We also met extensively with injured workers and with members of the trade unions.

All of that went into the making up of this Bill. And many of the concerns expressed by all parties, be they business or labour, were reflected in the final work. What was introduced in this Assembly, and what

we're recommending this Assembly passes, differs in some very important respects from the White Paper that was introduced in this Assembly last year, and from the draft which was circulated. The degree of consultation was very broad and very extensive. The legislation reflects some of those concerns.

I recognize that there are some of the people we met with who, it can be fairly said, never wanted to see this legislation passed. I met with some representatives of some of the groups. Their opening request is — this in October of 1972 — their opening comment is, we don't see how this legislation can possibly get ready for the 1993 session; we urge you to stand it. That was six, seven months in advance of the session. What did they want? They didn't want any changes at all; quite happy with what they had. That is clearly not a satisfactory state of affairs when you have our accident record.

The member from Maple Creek is correct. Bill 55 and 56 are tied, are tied together and interlinked. The Occupational Health and Safety Act, which is number 56, is an Act which seeks to prevent accidents, to lower accident levels. It seeks to do what all legislation should do, and that is provide a context and an atmosphere in which employees and employers can resolve their own problems.

That's what all . . . really all legislation should do. It establishes the occupational and health safety committees; has the employers and employees working together to reduce the accident rate; the employees contributing a detailed knowledge of the workplace; the employers contributing their organizational know-how in resolving those problems.

The purpose of this legislation is to reduce accidents, to reduce death, to reduce injuries. To the extent that this Act succeeds, the cost of the workers' compensation scheme is lower. It is in everybody's interest to see this succeed. There's nothing about the past accident record which would suggest that this has succeeded in the past. Our accident rate is unacceptably high. I said last night that there were over 30,000 claims filed with the Workers' Compensation Board. That's a city the size of Moose Jaw, every man, woman, and child in the city filing a claim. Over 12,000 of those claims were lost-time accidents. Given Saskatchewan's small workforce, that is an unacceptably high figure. It is high in absolute terms; it is high in comparison with other provinces.

The goal of this legislation is to drive that accident rate downward. We make no apology for making this legislation as effective as it can be. We make no apology for bringing this legislation on at this session. Workers are being injured, workers are being killed, and it isn't happening to the managers.

I heard one spirited exchange between a trade unionist and Mr. Botting. Mr. Botting asked, what's the proof that there's any need for this? The response was, it's 40 to zero. When he was asked what did that

mean, he said, there's been 40 workers killed last year and no managers; the score is 40 to zero. And that's true, in a sense; it is the workers who are injured, not the senior people who may make representations to us.

I personally did something last year that the representatives of the CFIB (Canadian Federation of Independent Business) did not do, the representatives of the chamber of commerce did not do; I went and talked to all the members. I don't think they did that. I spoke to well-attended meetings in every city in this province, well-attended meetings of business people, well-attended meetings of trade unionists, and, where such a group could be identified and organized, well-attended meetings of injured workers.

I've done something nobody else has bothered to do, I've gone and talked to as many of the interested people as I could get to. It has given me a fair insight into the operation of this. The notion that this Act is turning this province into a police state may be of interest and may titillate members opposite. It may cause a rushing of blood to the ears of some of the people who say it, some of the lobbyists, but it's nonsense and it's not believed by very many business people in this province.

You see, Mr. Member, most business people in this province judge occupational health and safety not by what is said by the lobbyists, they quite wisely judge it by what they've seen, the people they've met, the officers who they work with.

I want to say, and I want to say in the presence of the senior public servants who represent them, I got a lot of compliments about the occupational health and safety officers around this province. I didn't get it from the lobbyists with whom I met, but I got it from the people who dealt with them.

Most of the people, most of the business people I dealt with — I dealt with a lot of them — felt the occupational health and safety officers were courteous, well-trained, reasonable people. They sometimes wanted more in terms of explanation and more in terms of training than they got, but a wide variety of different employers spoke highly of this section of the department.

Employers don't speak highly of all of the sections of my department, but they did in this one. And I want to say this because this department has been subject to some unfair criticism.

I note the term "betrayal". I have heard one or two lobbyists on behalf of the business community use that term. I have no idea why they feel betrayed — none at all. We gave them advance copies of the Bill. We met with them, we discussed their concerns, and we adopted some, but only some, of their suggestions. If they're betrayed because they didn't get every single one of their demands met, then all I can say is this government doesn't work that way.

Early in the day we had some people in this Assembly

to whom we had to say no. There have been some of the requests of the business community to whom we have had to say no. I say to members opposite and I say to members of some of the groups who have scripted the amendments which you're putting forward, that no is a perfectly proper word in the English language, and we've had to say no to some of them.

I want to spend a moment on the powers of search and seizure since that has occupied . . . since that has given the member such angst. I'm going to pass to the member, if I can have the assistance of one of the pages, I'm going to pass to the member a comparison of the powers of search and seizure in Saskatchewan with that of other provinces.

By and large Saskatchewan has approximately the same powers that they've always had. By and large the powers of search and seizure which are here now are what have always been in the Act. Do they exceed that of a peace officer? They may, because this is a division with a different function. This is not criminal law. This is not the administration of criminal law.

My esteemed colleague from Saskatoon, the Minister of Justice, administers that. We don't. This is not criminal law; this is a preventative measure. And I say if the lobbyists on behalf of the business community don't understand that, most business people in the province do.

Do they occasionally exceed a peace officer? Yes, they do. Why? Because they're not enforcing criminal law. This is a preventative measure. I've said that they're roughly comparable to what other provinces have. And I just want to make one other comment and then I'm going to bring my remarks to a conclusion.

(2100)

You gave an illustration of someone who filed, who slapped a bogus complaint against the business. Just to take that example, that would clearly be unlawful under this Act because it wasn't done in good faith in your example. They knew it wasn't a bona fide claim.

I've had no one in this province — and I've met with hundreds of business people — no one's ever suggested such a thing has ever occurred but if it did, it would clearly be outside the Act. Both the government and the individual involved would be liable for damages in a civil court. Your example's not a very good one.

I want to say one other thing with respect to these broad, sweeping powers which would make the SS blanch, according to your description which you just gave. I've not had a lot of experience with the SS. It's a little before my time — perhaps not the members opposite — it's a little before my time. But it's my understanding that the SS officers in Nazi Germany were not subject to any appeal.

I want to point out for the member that there's a new element added in this Bill. There is a right of appeal.

Any decision taken by an occupational health and safety officer is subject to appeal. That's new in this legislation and it is unique to this legislation. That's something that came about as a direct result of the discussions we had with the business community. So this Act reflects their concern so far as it is possible to do so.

I say to members opposite that the . . . and I'll close on this note. The business community in this province, whom I met with in very large numbers, judge this legislation by what they've experienced in the past. What they've experienced in the past has by and large been a useful and a productive experience.

One of the business organizations, I think it was the Canadian Federation of Independent Business, wrote to all their members inviting a grass roots revolt, I think was the phrase that was used. What was the revolt? I got 20, 30 letters, most of them form letters. That was the extent of the grass roots revolt. Why did the revolt never take fire? Because their experience with this division had been good and productive. They used their common sense. They fully expect that's going to continue. That's why this legislation may have been fought vigorously by some organizations. That's also why there's not much visible sign of concern from the business community themselves because they judge us by what we've done, and what we've done has been quite productive.

This is an able, effective area of the public service which I am proud to be associated with and for which I've received a lot of compliments.

Mr. Goohsen: — Thank you, Mr. Chairman. Well, Minister, I won't deny some of the remarks that you make are true. It is true, we have been made aware of the fact that a review of The Occupational Health and Safety Act had begun in years before, probably 1989 is a good guess, as good as any. I actually have had it implied that the work had begun sooner than that.

And that's a reasonable and acceptable proposition because I think it matters not what party is in power in government, these kinds of legislation that affect so many people by their very nature of the changes in our technology and the changes in our workplace would have to be reviewed on a continuing basis. And as you suggested yourself last night, the Bill that we worked on might in fact end up having to come back again next year because by then we may see that we have to have changes. So that doesn't surprise me or shock me or amaze me. In fact I'd have been amazed if it had been anything else.

I would take some exception on behalf of the business community with some of your remarks though. I'm not too sure that they will agree that they have had all the opportunities that you say that they have had or that the consultation has been anything other than you talking down to them. And in fact, that's the implication that has been made by some quarters, is that you did talk to a lot of people, but there's a difference between talking down to people and consulting with people.

Consulting means you talk to people and you listen to people, then you compromise after you've negotiated. That's how the process works when you call it consultation. Otherwise, it's preaching. And you, sir, you and your government are good at preaching. And you're not very good at listening and you sure don't know how to compromise.

I'm going to read just a little bit more out of a letter here, so that the folks in the world of Saskatchewan will know exactly what's been going on. It says:

Enclosed please find our considerable list of concerns and suggested changes to various clauses of Bill 56.

The one we're dealing with tonight.

In our opinion there are numerous House amendments still required. We regret that the Bill was tabled as early as April 26, and we were unable to work with you on a second draft. We now must express our concerns as widely as possible.

Now doesn't that sound a little bit contradictory to what you said, Minister, about your consultation and all of the work that you did together with folks? Doesn't sound that way to me.

In fact, if you did so much consultation and so much work with all of the folks, how come they spent thousands upon thousands of dollars advertising their plight and their condition in all of the newspapers of this province? Why did they go to the media at that kind of expense, if they're all so happy with the way that the process was conducted?

How many people do you know that spent literally thousands of dollars for nothing? Deliberately. They wouldn't do that. They have a problem with you and your government or they wouldn't have spent all that money.

It goes on.

We particularly regret that so much of this legislation represents a huge, regulatory leap of faith.

I couldn't have found a better explanation than that anywhere because that's what this legislation is — it is a leap of faith into the unknown — and quite frankly, unnecessary. I'll go on.

Some of your officials have told us that certain regulations have already been drafted, yet your department continues to withhold distribution of any of these follow-up draft regulations at this time. We are waiting for your department to honour the spirit of your government's recently proclaimed code of regulatory conduct.

Now is that saying that there is good conduct? No.

They're saying they don't like what you're doing here, sir.

And it goes on. It says:

Please give these suggestions your very serious consideration before the third reading and final approval of this Act.

Now, sir, that hardly sounds to me like a group of people that is very happy and has gotten a whole lot of input into a piece of legislation that seriously affects every business that they represent and all businesses in our province.

And I suggest to you, sir, that while you say you didn't get many letters — I have no way of confirming that or denying it — but I will suggest to you that legislation like this is not by its nature well understood or well-known about by the people in the province. Every business in this province likely had been contacted in a very general way if they were at all. But once again if they were so knowledgeable about what needed to be done, why would these groups of people spend all of these thousands of dollars advertising to let folks know what's going on.

Obviously their presumption was, as mine is, that most folks simply don't understand how ominous this Bill is going to be, and what a leap of faith it is into a zone of the unknown. We simply don't know how this Bill is going to affect the job creation ability of this province, and we simply don't know how it's going to affect the cost of business, and we simply don't know what that will have in terms of attracting new, outside business to our province. Will it be an acceptable proposition or will they simply run away?

I say that this Bill in itself — if it weren't ominous — connected with all of the others, makes this a province that most people would not want to do business in any more. Now you have to couple that with tax structures and all those other things because this is not a single identifiable problem with our province. The fact that we can't attract business and can't attract jobs goes far beyond one Bill obviously. But each one of these things is a straw on that old proverbial camel's back and which straw will break that back? I don't know but obviously we have to be getting closer if we're not careful.

So I'm going to suggest, Minister, that while we're not very happy with your Bill and we want to express that we even believe that many people in the workforce are concerned that their jobs may be at jeopardy if the business places that they work in can't function in a rational and reasonable and economic manner, that is making it a problem for all Saskatchewan people.

We do have to deal with the reality that you have a majority in government and will outvote us at the end of the day. Recognizing that, we're going to play on your conscience and your intelligence and hope that you will go along with some of the recommendations of the amendments that we're going to propose to your Act.

I see no reason why we shouldn't get at that and put it to the test and see if we can get something rational into this Bill by going into the process of dealing with our amendments. So I'm prepared to continue into that part of the process.

Hon. Mr. Shillington: — I just want to make a couple of comments and I'll be brief. The member is quite right when he says this is an area which is not well understood. I think that's accurate. It's not well understood that this legislation . . . most of these powers have existed for a long time. The Bill on its face looks like a brand-new Bill. It is in fact a series of amendments incorporated into a new Bill, and I think the member is quite right.

There's one other thing I want to mention. The member mentioned the regulations. I just want to outline very briefly for the member's benefit what we intend with respect to the regulations. The work has been ongoing in drafting those. It is a huge job. The work is ongoing in drafting those regulations.

I hope within a couple of weeks of the passage of this to circulate those amendments among the business community and among injured workers and among the trade unionists. We hope to get their response back within a month thereafter, and we'd like to think that some time in early fall, perhaps starting as early as September 1, we'll begin to put the regulations in place. So we do intend to pursue a consultative process with respect to these regulations.

With that I thank the member for his constructive approach to this, and I think you have been. I've been critical of some of the lobbyists on behalf of the business community. The member however, I think, has approached it some in a constructive fashion, and I thank you for that. We may as well proceed.

Clause 1 agreed to.

Clause 2

Mr. Goohsen: — Thank you, Mr. Chairman. I will make a brief comment about the proposed amendment and then read the amendment as we will move it.

In section 2(1)(h), the "discriminatory action" — delete; "or threat of actions" is very difficult to adjudicate, it says in my notes, especially with the reverse onus on employers. And it says we should also consider the later section 28 when we deal with this.

I think that's fairly self-explanatory, so I think I'll just go on and read the motion which I will move:

Clause 2 of the printed Bill

Amend clause 2(1) of the printed Bill at clause (g) by deleting "or threat of action".

And I so move, Mr. Chairman.

Hon. Mr. Shillington: — In other labour legislation which seeks to protect workers who . . . from discrimination where they enforced their rights, it is common to define the prohibited action as an action or a threat of an action. Threat of an action may be as effective as the action itself. So I'll be urging the Assembly to defeat the motion.

Amendment negated on division.

(2115)

Mr. Goohsen: — Thank you, Mr. Chairman. Under clause 2(a) we are proposing the amendment. Our notes I think refer to this one now — if I've got the right one, yes — also would like to see deletion of any reference to the "reprimand, coercion, intimidation or the imposition of any discipline or other penalty." These words are too subjective and other circumstances are already spelled out clearly in this section.

I'll read the motion which I will now move:

Clause 2 of the printed Bill

Amend clause 2(1) of the printed Bill at clause (g) by deleting "reprimand, coercion, intimidation or the imposition of any discipline or other penalty".

I so move.

Hon. Mr. Shillington: — My comments on my last one apply to this one as well. I think there's no need to repeat them.

Amendment negated on division.

Mr. Goohsen: — Thank you, Mr. Chairman. Under 56-2(b) now, we are looking at employer association which should be deleted — not necessary, and could be manipulated or abused by future governments, or other administrations, I guess. And so we are moving the following amendment, which I will now move. Clause 2 of the printed Bill:

Amend clause 2(1) of the printed Bill by deleting clause (j) and re-lettering clauses (k) through (gg) as clauses (j) through (ff) respectively.

I so move.

Hon. Mr. Shillington: — The purpose that this definitional section serves is that the government is required . . . or the minister is required to consult with employer organizations with respect to certain matters. We need a definition of employer organizations. That's why it's in here. It's only purpose in the Act is that it requires the minister to consult with them about certain changes or certain things. So we'd urge the Assembly to defeat the amendment and leave the subsection as it is.

Amendment negated on division.

Mr. Goohsen: — Thank you, Mr. Chairman. While we're still on clause 2 here, we would suggest another amendment, under 2(c) . . . 2(ii), harassment. We feel this should be deleted and best covered through the human rights Act rather than create costly, confusing, and duplicate regulatory activity by inexperienced occupational health officers. And as a result of that we would move the following amendment to clause 2 of the printed Bill:

Amend clause 2(1) of the printed Bill by deleting clause (l) and re-lettering clauses (m) through (gg) as clauses (l) through (ff) respectively.

I so move.

Hon. Mr. Shillington: — This matter of harassment has received a lot of comment. I'm going to try to be very brief. Suffice it to say that there is ample evidence — hard statistical evidence — that harassment is a serious health problem in the workplace. Some polls suggest . . .

An Hon. Member: — Don't you harass me here.

Hon. Mr. Shillington: — Yes. Ministers of the Crown . . . The member from Morse, that's a very accurate comment. Ministers of the Crown, particularly they, some ministers of the Crown, know what harassment is like. We know how much we suffer. Seriously though, there is hard statistical evidence that this is a serious health problem. Some recent polls suggest that over 40 per cent of women in the workplace claim they have suffered health problems because of harassment. It's almost always women. We believe this is a significant health problem. We believe the way to resolve it is in the workplace.

This system provides a mechanism for resolving it. People who are harassed can have the complaint taken to the committee in a kind of an anonymous fashion. The employee representatives on the committee can bring it to the attention of the managers, who can bring it to an end. It's a quiet, anonymous process for resolving it.

The problem with the Human Rights Commission is there's nothing either quiet or anonymous about it. The employees must trot their problems out into the public. The employers must defend themselves in public. The result is, generally nobody wins. Employers are often found guilty; the employees can rarely go back to the place of employment. That's just the simple facts of it.

This provides a mechanism for resolving this problem in a quiet and dignified fashion and we think it makes a lot of sense. For that reason, I will be urging the Assembly to leave the definition of assessment of harassment in and to vote against this amendment.

Amendment negated on division.

Mr. Goohsen: — Thank you, Mr. Chairman. Again on

clause 2, we will move on to an attempt to amend part (d). As a fall-back alternative, it could be reworded to more simply state that harassment means any objectionable conduct by a person made on a continuous basis and which reasonably constitutes a threat to the health and safety of the worker.

And I guess simply what we're saying is that we anticipated you would defeat the past one and are trying to do a more moderate approach of the same thing by moving the following amendment which I will now move to clause 2 of the printed Bill:

Amend clause 2(l) of the printed Bill by deleting clause (l) and substituting:

"(l) "harassment" means any objectionable conduct by a person made on a continuous basis and which reasonably constitutes a threat to the health or safety of the worker;"

I so move.

Hon. Mr. Shillington: — The existing section simply defines harassment as any objectionable conduct, comment or display by a person that . . . and away it goes. Your amendment would add the word continuous. We think that may not be wise in all cases. There may be some forms of conduct which, although not continued, although not continuous, are objectionable and shouldn't be tolerated.

The member's amendment would lay down a general rule which would suggest that no harassment can exist unless it's continuous. Simply is, I think, at odds with the facts and I'll be urging the Assembly to vote against this amendment.

Amendment negated on division.

Mr. Goohsen: — Thank you, Mr. Chairman, again on Clause 2 we will attempt to convince the minister to make some changes. Under 2(e), 2(l) and (m), labour organizations — delete or modify. Why should trade unions who represent less than 10 per cent of all the private sector workers in Saskatchewan be guaranteed monopoly representation of all working people under this Act? Why don't speak for non-union workers as well?

And I think that's fairly clearly stated there so I will move our amendment to Clause 2 of the printed Bill.

Amend Clause 2(l) of the printed Bill by deleting Clause (m) and re-lettering Clauses (n) through (gg) as clauses (m) through (ff) respectively.

I so move.

Hon. Mr. Shillington: — Just very briefly, the purpose of this definition is because the minister is required to consult with employer organizations and labour organizations and only for that purpose. It doesn't define representation on occupational health and safety committees by any means.

For many purposes it would be useful if there were associations of unorganized workers. In fact there isn't any. Virtually the only organizations which represent workers of any sort are trade unions. And so we've defined it in this fashion. It's not intended to exclude or downplay the importance of the unorganized worker. It's just that these are the only organizations in existence. I'll therefore be urging the Assembly to defeat the amendment.

Mr. Goohsen: — Thank you, Mr. Chairman. I just wanted to comment, Minister, that your reason for defeating the last amendment seemed rather odd and confusing to me. Simply because the workers don't now have an organization or an organized way of you finding workers to represent them, they are excluded from being represented. You say 90 per cent of the workers of this province can't be represented because you can't find anybody that will represent them and they don't seem to have an organization. That seems really odd to me.

But I guess it's your argument and you will have to live with it. I think 90 per cent of the workers of this province are going to say, we can find somebody that would come in and help out. So let's maybe have to put that to the test later.

I want to go on to our amendment 2(f) wherein we are saying that occupational health and safety under 2(1)(p) and (i), we're saying delete social well-being. This gives the occupational health and safety division way too much power and they could start delving into a lot of non-traditional labour-related issues.

Now having said that, I will move:

Clause 2 of the printed Bill:

Amend clause 2(1) of the printed Bill at subclause (p)(i) by deleting "physical, mental and social well-being of workers" and substituting:

physical and mental well-being of workers.

I so move.

Hon. Mr. Shillington: — The words social well-being has been a part of the Act for quite some time; was a part of the Act administered by the former Progressive Conservative government; didn't cause any noticeable problems then, at least not that the members would ever . . . the members of that government were ever inspired to change. In addition, it is part of the standard definition used by the international labour organization. It's a standard around the world and has been a part of this province's legislation for some time, and I'd urge that this be defeated.

Amendment negated on division.

Mr. Goohsen: — Thank you, Mr. Chairman. Again, Minister, I'm surprised at your comments and logic to

defeat the last amendment because after all, you say that just because it was a part of the old Act it's good enough. Why are we doing the whole Act over then if the old Act was good enough? I mean this doesn't quite add up here. I mean just because part of the Act was old and we now say it was good . . . and we've said to you when we started out that we recognized that there was a need for some changes. Now you yourself are saying the old one was good enough, so let's keep it.

So anyway while I fail to see your logic, you obviously have the weight of the majority with you. I would hope though that you might reconsider that kind of an argument to defeat amendments and make us a little better comment on the real reason why we would want not to change things. I think the business community and the workers of our province deserve a little better explanation than it was a part of the old Act so it's good enough.

I want to move on to our amendment 2(g)(i) under 2(1)(p)(iv) — delete — not necessarily to be this specific as it is already covered in other sections. What has the department got in mind here? Forced, heavy-handed, ergonomic requirements in certain cases. I think I pronounced that word wrong, but anyway I'm sure you'll pick it up.

I'll move on to moving our amendment. Under clause 2 of the printed Bill:

Amend clause 2(1) of the printed Bill at clause (p) by deleting subclause (iv).

I so move.

(2130)

Hon. Mr. Shillington: — Yes. This also has been a part of a legislation for some time and has not caused any problems. And therefore we left it in the legislation.

Amendment negated on division.

Mr. Goohsen: — Thank you, Mr. Chairman. Under 2(1)(r) we are going to move our amendment 2(h) — occupational health and safety services. We say delete — redundant with other powers already specified in the Act. We are concerned this could be manipulated to abuse by future governments or future administrations. And for that reason of the unclarity we would like to move the amendment which will be 2(h).

I will now move:

Clause 2 of the printed Bill:

Amend clause 2(1) of the printed Bill by deleting clause (r) and re-lettering clauses (s) through (gg) as clauses (r) through (ff) respectively.

I so move.

Hon. Mr. Shillington: — This is a fairly basic definition. This is occupational health and safety service. This section doesn't give anyone any additional powers. Indeed it helps to curb the excessive use of powers by providing a tighter and more defined network within that should operate. So I'll be urging members to defeat this.

Amendment negated on division.

Clause 2 agreed to.

Clause 3

Mr. Goohsen: — Thank you, Mr. Chairman. We would like to suggest, in spite of our lack of success on clause 2, that we might go ahead and amend clause 3. Under 3(a), the general duties of employer, delete "and welfare." Now this term is not defined in the Act and could go way beyond the current intention. And I guess we're simply thinking that in this matter it could be interpreted to go a lot further than it really is the intention, and we want to see it spelled out more clearly.

So I will move the amendment to clause 3 of the printed Bill:

Amend clause 3 of the printed Bill at clause (a) by deleting "health, safety and welfare at work" and substituting:

health and safety at work.

I so move.

Hon. Mr. Shillington: — I'll be making this same comment with respect to a fair number of these amendments. This legislation . . . this language was part of the Act since 1977; has caused no problems. Those parts of the Act which cause no problems, we've left alone and haven't changed them. But this is one of those many amendments to sections which have caused no problems, have been there for now 16 years, and we want to leave it there. So we urge this be defeated.

Amendment negated on division.

Clause 3 agreed to.

Clauses 4 and 5 agreed to.

Clause 6

Mr. Goohsen: — Thank you, Mr. Chairman. Well, Mr. Minister, again you, in the last amendment, encouraged your members to defeat it on the argument that it has been there since 1977. And we would of course make the point again that that's why we think the Bill has to be changed. Some things from 1977 may not be good enough.

True fact of the matter is, sir, business is extremely worried about your government and your administration. They never had the same worry about

the past administration or perhaps I should say administrations even. But the truth of the matter is they're very nervous today in Saskatchewan and very nervous about the changes in definitions that are made by your government in a lot of areas. So with that nervousness the amendment had some legitimate reason to be there.

I want to amend clause 6 . . . under clause 6, 7, and 8, they have here in my notes, now general duties of contractors, owners, suppliers, all start with the phrase "shall ensure". Ensure is a very strong and definitive word which could result in a very stringent and massive due-diligence defence when later interpreted by the courts. Words like encourage, promote, or make reasonable care to, are far less costly and may not carry the same costly legalistic connotation. Why not be consistent with the words describing general duties of workers in section 4?

Now having said that, we would propose the following amendment which I would move to clause 6 of the printed Bill:

Amend clause 6 of the printed Bill at clause (a) by deleting "ensure" and substituting "take care".

I so move.

Hon. Mr. Shillington: — I'll make only one set of comments to all . . . to sections 6, 7, and 8. My comment is as follows: I think I'd have more sympathy for the amendment were it not for the fact that the verb "shall ensure" is followed by the phrase "insofar as is reasonably practicable." I think it is that that will be the defining phrase. I therefore think the amendment is unnecessary given that. So I will urge that the amendment on 6, 7, and 8 be defeated.

Amendment negated on division.

Clause 6 agreed to.

Clause 7

Mr. Goohsen: — Thank you, Mr. Chairman. Well the minister has already pretty well indicated that he is aware of what our amendments are going to be now and he has made his argument against this amendment, but none the less I'm going to move it, but I won't bother wasting the time of the Assembly by going into our reasons on this one. We will simply go into the moving of the clause 7 of the printed Bill

Amend clause 7 of the printed Bill at clause (a) by deleting "ensure" and substituting "take care".

I so move.

Amendment negated on division.

Clause 7 agreed to.

Clause 8

Mr. Goohsen: — Thank you, Mr. Chairman. I'm reminded of how when we were kids, one would say, yes you did, the other would say, no you didn't. And we'd keep saying it back and forth until somebody made a mistake. It almost seems like we were going to play in that game with these amendments. Like maybe I'll say yes so many times and you'll say no, and after a while you'll say yes and I'll say no, and we get something done. It's a new strategy we're going to try.

Nevertheless, to clause 8, we have basically the same argument that we made in the previous two, and so I won't bother going into a preamble on the reasoning. I will simply move clause 8 of the printed Bill as such:

Amend clause 8 of the printed Bill at clause (a) by deleting "ensure" and substituting "take care".

I so move.

Amendment negated on division.

Clause 8 agreed to.

Clause 9

Mr. Goohsen: — I simply would like to make a little comment on clause 9. I have no amendment to clause 9, so the Minister needn't get excited.

We did want to mention though that duty to provide information, review carefully to make sure it is harmonized with other federal laws and definitions. Why create confusing regulatory overlap or inconsistencies, e.g., with the transportation and dangerous goods Act or with the existing federal workplace, hazardous information management system.

And we wanted to get that on the record that we have some concern there, Mr. Chairman, and Mr. Minister. So I hope that you will take note of that and perhaps you can check out to make sure that we haven't in fact gone into a duplication.

Hon. Mr. Shillington: — Yes we have, in fact we've already had this raised with us by the CFIB and we have already done so. We think it is in harmony.

Clause 9 agreed to.

Clauses 10 and 11 agreed to.

Clause 12 agreed to on division.

Clause 13

Mr. Goohsen: — Thank you, Mr. Chairman. Under clause 13, duty to provide occupational and health safety programs, use of the phrase "shall establish" implies that this massive new paperwork requirement will be mandatory in all cases, including the self-employed and all Saskatchewan 60,000 farmers. Change the beginning of the clause to "an employer

may establish” and clarify the small, self-employed business or farmers must not have to endure such rigorous paperwork.

Perhaps the section 4 should instead say “maybe” in writing to give small business a greater degree of comfort on this clause. Now we have three amendments in this clause, but we wanted you to hear the whole argument as we go, so we will start with the first amendment, Mr. Chairman, to clause 13 of the printed Bill:

Amend clause 13 of the printed Bill at subsection (1) be deleting “An employer shall establish” and substituting:

“An employer may establish”.

I so move.

Hon. Mr. Shillington: — We agreed earlier that the amendments put forth by the member from Maple Creek should go first to avoid some of the confusion with renumbering, which happened last night. I think, Mr. Chairman, unless you’re advised differently, you may look to the member from Maple Creek. Where there’s amendments from both of us, we kind of agreed upon that.

This however is one section where we might have gone first because I think our amendment would go some distance towards alleviating the concern which the member justifiably has. This was . . . we are proposing an amendment which will state that “only employers at prescribed places of employment” have to have occupational and health safety committees.

The member’s amendment would make it voluntary in all cases. We don’t want to do that. We admit however our section may go too far, and we are therefore amending, and I think we’re going to pick up and alleviate the concern of the member from Maple Creek. So I’ll be urging members to vote against this and then we’ll be moving our own amendment which I think will cure the ill.

(2145)

The Chair: — I recognize the member for Maple Creek. In the interest of clarification and order, he has another amendment with respect to 13. I’d like to ask him to move that now. And I’d like to ask the minister to move his amendment and then there will be the other opposition amendment to 13 which was moved and we’ll hold in abeyance at this point.

Mr. Goohsen: — Thank you, Mr. Chairman, we will be happy to cooperate in that way. And because the argument is basically as we made, I’ll simply read the other amendment to clause 13 of the printed Bill.

Amend clause 13 of the printed Bill at subsection (1) by adding immediately after “An employer” the following:

“, other than a small business consisting of the

majority shareholder as the only employee, or a farmer,”.

And I will so move that, Mr. Chairman.

Hon. Mr. Shillington: — Again my previous comments apply. The member has referred to an actual problem which has given us some concern. I think our amendment, which will prescribe the places by regulation, will take care of that.

Amendment negated on division.

Hon. Mr. Shillington: — I move that:

Section 13 of the printed Bill be amended. We amend section 13 of the printed Bill:

(a) by adding “at a prescribed place of employment” after “An employer” in subsection (1); and

(b) by striking out “at a prescribed place of employment” after “safety program” in subsection (1).

I so move.

Amendment agreed to.

The Chair: — Now we’re back to the other amendment to clause 13 that was previously moved by the member from Maple Creek.

Amendment negated on division.

Mr. Goohsen: — Thank you, Mr. Chairman. I think the argument has been fairly well made for why we need this next amendment. I simply will say to the minister that we are glad to see him make at least one change to the Bill. Even though he couldn’t find it in his heart to use an opposition amendment to achieve the necessary goal, at least we have achieved something of a compromise. It obviously will be said that it doesn’t go far enough by some people in some quarters.

And having said that, I think we will progress on with the next amendment in the hope that we can make this a workable Bill.

Now in clause 13 of the printed Bill, we move the following amendment:

Amend clause 13 of the printed Bill at subsection (4) by deleting “must be in writing and must be made available” and substituting:

may be in writing and may be made available.

I so move.

Hon. Mr. Shillington: — I understand the concern the member has. I think, however, with reasonable administration and reasonable interpretations, the existing wording will be satisfactory. I therefore urge

this be defeated.

Amendment negated on division.

Clause 13 as amended agreed to.

Clause 14

Mr. Goohsen: — Thank you, Mr. Chairman. Under clause 14, duty re policy statement on violence, delete subsection (2) at this time.

Employers are extremely concerned about any regulations along with this. What does the government have in mind? Prohibiting use of replacement workers during strikes to stop picket-line violence, mandatory doubling up or tripling of staff to ensure safety of night workers. This subsection could be potentially quite costly and represents huge leap of faith for employers unless we see the regulations first.

Having made that comment, I will move the House amendment to clause 14 of the printed Bill:

Amend clause 14 of the printed Bill:

(a) by deleting subsection (2); and

(b) by renumbering subsection (1) as section 14.

I so move.

Hon. Mr. Shillington: — We do in fact, as I mentioned earlier, intend to make the regulations, a set of draft regulations available to any interested person to comment on before they're passed. So I think the concern of the member will be met by the fashion in which we proceed with the regulations. I therefore urge this be defeated.

Amendment negated on division.

Clause 14 agreed to.

Clause 15

Mr. Goohsen: — Thank you, Mr. Chairman. Under clause 15(1) establishment of committees, the threshold should be changed to 20 or more, like most other provinces in Canada. Saskatchewan has the most costly and onerous paperwork and regulatory requirements in all of North America on this issue, and I think I might as well throw in there that we have an awful lot of paperwork in an awful lot of areas of our society that seems like we're trying to get rid of all the trees in the world.

Having said that, I want to move clause 15 of the printed Bill:

Amend clause 15 of the printed Bill at subsection (1) by deleting "10" and substituting "20".

I so move, Mr. Chairman.

Hon. Mr. Shillington: — We believe this amendment should be deleted. It somehow or other seems to assume that accidents only take place at large places of employment. In fact the number of claims which are forwarded to the board, the Workers' Compensation Board, from small places of employment has been growing fairly rapidly. And it's felt that while we may not want to have an occupational health and safety committee if you've only got one employee, the threshold needs to be lowered if we're going to drive the accident rate down, and we must get the accident rate down. So I'll urge this be defeated.

Amendment negated on division.

Mr. Goohsen: — Thank you, Mr. Chairman. Even with a hearing-aid I'm quite convinced that the votes are getting closer in our favour. It was fairly quiet over there and I think we almost won that one.

Having said that, I want to go on to clause 15(4), delete (b) and (c). To be democratic and fair and to ensure that the unions don't parachute in their candidates, the health and safety representatives should be elected from the actual place of employment. In all circumstances, as it stands, there could be a blatant union pork-barrelling, which is not conducive to a cooperative workplace community.

I think that point is well made, Mr. Chairman, and Minister, so I will go on and move our amendment to clause 15 of the printed Bill:

Amend clause 15 of the printed Bill at subsection (4):

(a) by deleting clauses (b) and (c); and

(b) by deleting the clause reference "(a)".

I so move.

Hon. Mr. Shillington: — The vast majority of unions in fact are very democratic. Almost all of them call for the election of members in circumstances such as this. So we think it's unnecessary and we urge this be defeated.

Amendment negated on division.

Clause 15 agreed to.

Clause 16

Mr. Goohsen: — Under clause 16, the designation of small-firm representatives, cost of these small-firm representatives, could be proportionately very onerous for small businesses. This is without precedent in North America. Delete this section and all other related sections, is what I have written in my notes here, Mr. Chairman, and I think I'll move into this first amendment on 16. No, I have to read on because the part that affects this amendment is yet to come.

Alternatively, delete section 2. It is crazy to force artificial votes with labour separate from management in very small, mostly family-owned workplaces. This is a big union, quasi-certification kind of voting process which is not applicable to small businesses.

With that, I will move the amendment, Mr. Chairman:

Amend clause 16 of the printed Bill:

(a) by deleting subsection (2); and

(b) by re-numbering subsection (1) as section 16.

I so move.

Hon. Mr. Shillington: — I'm only going to make one comment with respect to all of the amendments to this section. I understand the member may be moving more than one. OH&S (occupational health and safety) reps will only be required in prescribed workplaces with fewer than 10 employees. The designation criteria will include hazard level of the workplace. The rep, like the committee members, will work with the employer to make the workplace safer which will reduce the employer's compensation costs.

We're therefore urging that these series of amendments to 16 be defeated.

Amendment negated on division.

Clause 16 agreed to.

Clauses 17 to 19 inclusive agreed to.

Clause 20

Mr. Goohsen: — Thank you, Mr. Chairman. Under clause 20(a), duties of a small-firm representatives, delete reference to these small-firm representatives being able to control health and safety hazards. This violates the spirit of the consultation and cooperation. They should be able to participate and help resolve matters but not the control of health and safety hazards in or at the place of employment.

And with that I move the following amendment to clause 20 of the printed Bill:

Amend clause 20 of the printed Bill at clause (a) by deleting "and control".

I so move.

Hon. Mr. Shillington: — This amendment was raised with us by the Canadian Federation of Independent Business. We sought an opinion from Justice. They assured us that the wording of the section which uses the verb "to participate", "to co-operate", in these two subsections does not give the rep any executive authority. We therefore urge this be defeated.

Amendment negated on division.

Clause 20 agreed to.

Clause 21

Mr. Goohsen: — Well thank you, Mr. Chairman. We're suggesting an amendment to clause 21(5). We say that should be deleted altogether, this subsection. It only undermines the spirit of the labour-management cooperation and allows workers to bypass a committee system and cause direct confrontation without trying to be internally communitive or responsible first. And with that we suggest the following amendment be passed to clause 21 of the printed Bill:

Amend clause 21 of the printed Bill by deleting subsection (5).

I so move.

(2200)

Hon. Mr. Shillington: — This is intended to deal with emergency situations in which there may be a real danger to life and limb. There may not be time to refer it to a committee. The policy of the department is clear, and that is the worker should refer any complaint to a committee before it goes to an OH&S officer, unless there is a clear and present danger, and unless there is not time to refer it to a committee. We therefore urge this be defeated.

Amendment negated on division.

Clause 21 agreed to.

Clauses 22 to 24 inclusive agreed to.

Clause 25

Mr. Goohsen: — Well thank you, Mr. Chairman. Under 25(1), no time limits. So this is a very serious matter and there should be an obligation for the government officer to investigate and decide as urgently or expeditiously as possible. If they take too long the results will be chaos, i.e., must investigate within 24 hours maximum.

Also all notices of a contravention requiring remedial action should be in writing to ensure there is always proper documentation in case of appeal. Why have it in writing under subsection 25(2) but not in 25(1)? With that argument, we present the following amendment to clause 25 of the printed Bill:

Amend clause 25 of the printed Bill:

(b) in subsection (1) by adding immediately after "may issue a notice of contravention" the words "in writing", and

(a) in the general words preceding clause (2)(a): by adding immediately before "an occupational health officer decides" the following:

“, within 24 hours of being requested to investigate a matter pursuant to section 24,”

I so move, Mr. Chairman.

Hon. Mr. Shillington: — Just to show the member that we are cooperative, I think we’re going to accept this amendment. I am told by the officials that notice of contraventions are always done in writing; it’s not possible to do it otherwise than in writing because reasons must be given. So just to show you that we appreciate the spirit — keeping in mind the concerns of our House Leader, I think even given that — I think we will accept this amendment. It may well clarify it. So I think we’re going to agree to this one.

But I think the member only moved the amendment to section . . . to the first one, the words “in writing”. I want to be clear about this. I don’t think the member moved the second of those two, my copy of which would add, “within 24 hours of being requested”. The first one we can accept; the second one I think we can’t.

Now I heard, I think, the member just move the first of those two amendments. . . . (inaudible) . . . then we’ll agree to that.

Mr. Goohsen: — Just for the minister’s clarification, we only read one.

The Chair: — Just to clarify, the amendment before the committee then is to:

Amend clause 25 of the printed Bill in subsection (1) by adding immediately after “may issue a notice of contravention” the words “in writing”.

And that’s the amendment that’s before the Committee.

Mr. Goohsen: — No, I had read the section (b) as well.

Hon. Mr. Shillington: — Perhaps the member would like to move these two things separately. Why doesn’t the member simply move the first of those two amendments now. We’ll deal with the second one separately because I don’t think we can accept it.

Mr. Goohsen: — I think we will allow that to happen, Mr. Chairman, if that’s okay?

The Chair: — To do that the member will require leave. Is leave granted?

Leave granted.

The Chair: — Then as I understand it, we have in effect two amendments before us. The first one as I read out. And we’ll put the question on the first one.

Amendment agreed to.

The Chair: — Then the second amendment, just to

make it clear.

Hon. Mr. Shillington: — Yes. The member . . . We’re going to be urging the Assembly to defeat this. The member may take some comfort in section 87 which requires these decisions to be taken “as soon as is reasonably possible”. Given the different complexity of the various decisions they make, this may be all that’s attainable.

I’d urge the members to defeat the amendment.

Amendment negated on division.

Clause 25 as amended agreed to.

Clause 26 agreed to.

Clause 27

The Chair: — There are amendments by the opposition and by the minister, and in this case the opposition amendment takes precedence.

Mr. Goohsen: — Thank you, Mr. Chairman. We have indication that the government is going to have an amendment and hopefully it will accomplish the same thing and we can get together on this one. But we’ll go to work on this one to start with, to get our point across.

Under 27, discriminatory action . . . prohibits in certain circumstances. We suggest deleting (c), (d), and (e). These are not necessary because of what is written in other subsections of this clause. They are worded too generally and imply complete immunity because of special committee membership and standing and not because of any specific action. Does this mean that once a worker gets on a health and safety committee or becomes a small-firm worker representative, an employer can never reprimand, lay off, reduce wages, etc., ever again. This wording should be clarified to not to suggest this intent.

Having made that point I will read the amendment which I will now move to clause 27 of the printed Bill:

Amend clause 27 of the printed Bill:

(a) by deleting clauses (c), (d) and (e); and

(b) by re-lettering clauses (f) through (j) as clauses (c) through (g) respectively.

I so move, Mr. Chairman.

Hon. Mr. Shillington: — We are also going to want to tighten up this a little. We think our amendment accomplishes that in a more effective fashion. Don’t deny the value of what the member has to say but we think our amendment will accomplish this in a more effective fashion. I’m therefore going to urge that this amendment be defeated and ours be accepted when we get to it.

Amendment negated on division.

Hon. Mr. Shillington: — I move that:

Section 27 of the printed Bill be amended:

(a) by striking out clause (j); and

(b) by renumbering clause (i) as clause (j)

Okay, let me just redo this. The printed version which the members have is accurate. We corrected it and our corrections were in error.

Amend section 27 of the printed Bill:

(a) by striking out clause (i); and

(b) by renumbering clause (j) as clause (i).

Mr. Goohsen: — Well, Mr. Chairman, unfortunately, Mr. Minister, we haven't gotten together on this one. I may be wrong here but I don't see anything close to being similar to your amendment, to ours. And so the intention we were trying to get in obviously hasn't been addressed by your amendment.

So what you're doing is something that you're doing on your own and until I think this through a little bit more, I don't think that we have really done anything to help anybody with what you're doing.

Amendment agreed to.

Clause 27 as amended agreed to.

Clause 28

Mr. Goohsen: — Thank you, Mr. Chairman. Mr. Minister, under clause 28, referral to officers, note once again that there are no time limits. If the government officer is slow to arrive and the employer is completely frozen from making any management decisions, changes in pay, changes in working conditions, etc., until the government inspector finally arrives, this could become a very nasty and insidious tactic used in a poisonous labour climate and could be exploited for other reasons. There must be time limits.

Example: a maximum of 20 hours for officers to arrive, investigate, and decide. Also note that officers' notice of contravention should there again be in writing, to provide proper documentation in case of an appeal. I think that point is well taken, Mr. Chairman, so I will move on to the motion of moving our amendment to clause 28 of the printed Bill.

Amend clause 28 of the printed Bill in the general words preceding clause (2)(a):

(a) by adding immediately before the words "an occupational health officer" the following:

“, within 24 hours of being informed of a discriminatory action pursuant to subsection (1),”;

And

(b) by adding immediately after “shall issue a notice of contravention” the words “in writing”.

I so move, Mr. Chairman.

Hon. Mr. Shillington: — Again, we think section 87 covers this and we'll be urging this amendment be defeated.

Amendment negated on division.

Clause 28 agreed to.

Clause 29 agreed to.

Clause 30

Mr. Goohsen: — Well very simply, Mr. Chairman, in clause 30, notice of contravention should always be in writing and we feel that we must add this in. Okay now, the clause 30 of the printed Bill, the amendment that I will now move:

Amend clause 30 of the printed Bill in the general words preceding clause (1)(a) by adding immediately after “may serve a notice of contravention” the words . . .

Hon. Mr. Shillington: — We're prepared to accept this amendment.

(2215)

The Chair: — The amendment before the committee then is to clause 30. Can we take the amendment as . . . or I better just clarify this. This is to:

amend clause 30 of the printed Bill in the general words preceding clause (1)(a) by adding immediately after “may serve a notice of contravention” the words “in writing”.

Amendment agreed to.

Clause 30 as amended agreed to.

Clauses 31 and 32 agreed to.

Clause 33

Mr. Goohsen: — Thank you, Mr. Chairman. Under clause 33, this gives a junior government inspector the power to shut down an entire workplace. There should be time limits on this and clear mechanisms to immediately launch an appeal. I guess very simply, Mr. Chairman, and Minister, we find this to be something that could be tremendously abused and tremendously expensive. The right to shut down a workplace, even in a small workplace, can cost enough money that the profit margins are lost. It could drive people out of business. I don't

think that's what the workplace was intended to be like and I don't think workers want to have that happen either, so I will read the following amendment which we hope that you will see fit to accept and to support.

Clause 33 of the printed Bill:

Amend clause 33 of the printed Bill at subsection (1):

(a) by deleting "until the requirement to cease work has been withdrawn by an occupational health officer" and substituting:

for a maximum period of 24 hours; and

(b) by adding immediately after subsection (2) the following subsection:

(3) Any requirement for the cessation of work made by an occupational health officer pursuant to subsection (1) may be appealed immediately to the chief occupational medical officer, and until the chief occupational medical officer has reviewed the alleged contravention, no requirement for the cessation of work made pursuant to subsection (1) shall be of any effect.

I so move, Mr. Chairman.

Hon. Mr. Shillington: — The member's comments . . . both amendments are to the same effect. That is, there should be a finite time on the length of time a cessation order applies. While cognizant of the problems this causes — and these will be used only very, very sparingly — nevertheless finite times are not possible and the situations in which they might be used vary considerably and the OHS officers need the flexibility with which to deal with them. So I'll urge these amendments be defeated.

Amendment negated on division.

Clause 33 agreed to.

Clause 34 agreed to.

Clause 35

Mr. Goohsen: — Thank you again, Mr. Chairman. Mr. Minister, under 35 we feel that seven days is too brief a period for small business to respond. We suggest 14 days instead. I think that's fairly pointed and to the point and should be an acceptable suggestion, simply because I'll make the case that I've seen this in other parts of legislation in years gone by, and the onus to respond in seven days — with our mailing system sometimes being a little bit slow, and with people sometimes not being able to be contacted by telephones and that sort of thing; in Saskatchewan with our very broad expanses of travel and that kind of things, our geography and what not — in some cases seven days to get information back and forth simply is not a reasonable approach to our society and the way that we live in Saskatchewan. And so we suggest that 14 days would be better. And we do that by

amending, or suggesting that you support our amendment to clause 35 of the Bill, which I now move:

Amend clause 35 of the printed Bill in the general words preceding clause (a) by deleting "seven days" and substituting:

14 days.

I so move.

Hon. Mr. Shillington: — This provision has been in effect since 1977 and has caused no problem. It's simply been carried forward.

Amendment negated on division.

Clause 35 agreed to.

Clauses 36 to 43 inclusive agreed to.

Clause 44

Mr. Goohsen: — Thank you, Mr. Chairman. Mr. Minister, under the regulations these are massive regulatory powers — over 44 separate powers listed. All of this follow-up work provides the real teeth of this Act, but the Legislative Assembly will never have the opportunity to review these regulatory provisions. The Canadian federation of business, among others, has been told that some of these regulations have already been drafted, but they claim that they have not had the chance to see them and have been denied access to view them.

This is a violation of the government's own code of regulatory conduct just announced on March 8, 1993, and I suggest, Mr. Minister, that you should correct this kind of action because it is, if not anything else, at least immoral and you ought to treat people more fairly and reasonably than that. With having said that we're going to suggest the following amendment and hope that you can, in fact, support it. Do the right thing, Minister.

I move that we, under clause 44 of the printed Bill:

Amend clause 44 of the printed Bill at subsection (1):

(a) by deleting clause (a); and

(b) by relettering clauses (b) through (pp) as clauses (a) through (oo) respectively.

I so move, Mr. Chairman.

Hon. Mr. Shillington: — This is a standard clause in regulatory sections which is used throughout legislation. The effect that this section may have has been sharply circumscribed by courts, and thus I think much of the danger which concerns the member has been eliminated by judicial decision which has restricted the ability to use this within very narrow perimeters.

Amendment negated on division.

Mr. Goohsen: — We'll try once more, Mr. Chairman. Under 44(a), if a latter regulation can totally redefine in large . . . or restrict the meaning of these words, then it makes a mockery of the entire current review by the Legislative Assembly. We feel that we have to delete this section in order to put credibility into the process, Mr. Chairman.

And with that I move the following amendment to clause 44 of the printed Bill:

Amend clause 44 of the printed Bill at subsection (1):

(a) by deleting clause (jj); and

(b) by re-lettering clauses (kk) through (pp) as clauses (jj) through (oo) respectively.

I so move.

Hon. Mr. Shillington: — This deletes the ability to prescribe regulations with respect to violence in policy statements. This is something we think that is a very worthwhile addition to this Bill. Regrettably, violence is a part of the workplace. This Act seeks to eliminate that violence and provides a framework and a committee within the workplace in which these problems can be dealt with and eliminated. This is not a problem which the government seeks to cure in and by itself, but seeks to provide a mechanism whereby management and employees can get together and resolve these themselves. We therefore urge this be defeated.

Amendment negated on division.

Mr. Goohsen: — Thank you, Mr. Chairman. We will try again under clause 44(c), as we will call our amendment. We think that we have to delete . . . Again all aspects of adjudication should be clearly defined in the Act, is the note that I have made here. And I hope that the minister will see fit to encourage his members to support this amendment, which I will now move to clause 44 of the printed Bill:

Amend clause 44 of the printed Bill at subsection (1):

(a) by deleting clause (nn); and

(b) by re-lettering clause (oo) and (pp) as clauses (nn) and (oo) respectively.

I so move.

Hon. Mr. Shillington: — Ideally the member is right. Ideally one wants to put as much in the Act and as little in the regulation as you can. There are some circumstances however in which one cannot always foresee all of the powers which adjudicators might need. And don't forget these are adjudicators which are set up as an appeal mechanism against decisions

of the OHS officers. We want these adjudicators to be as effective as possible. To do that we've retained a certain flexibility to describe their powers. It is however one that would protect the citizenry and particularly the employers.

We therefore urge this be defeated.

Amendment negated on division.

Mr. Goohsen: — Thank you again, Mr. Chairman. Once again we will try with clause 44. We'll call it (d) of our amendments. We feel, Mr. Chairman, that we should delete this subsection. This completely nullifies any assurances given in 44(4). And any bureaucrat could decide whether a delay would be contrary to the public interest or the subject matter of the proposed regulation is of a minor nature. It has the potential to turn 44(4) into nothing more than an empty political rhetoric.

I guess that's fairly explanatory, Mr. Chairman. So, Minister, we suggest that here you could do an act of good faith, take the politics out of your Bill that you claim is intended to help people and not to be a political tool, and accept our amendment which I will now move. Clause 44 of the printed Bill:

Amend clause 44 of the printed Bill by deleting subsection (5).

I so move.

Hon. Mr. Shillington: — There is a rationale for each of these three exceptions. Where an emergency exists and something needs to be dealt with, this often implies a danger to life and limb. And we think in this case it makes sense not to wait the 60 days.

The second section would envision a variety of different circumstances, basically where we want the changes in the regulations to take longer than 60 days. We want to give notice of them but not have them come into effect for a longer period of time. We think that'll make sense in a number of circumstances.

The third section where they're of too minor in nature, this simply is a matter of trying to keep the *Saskatchewan Gazette* in the form of a usable document. If every jot and title which is changed must appear in this *Gazette*, it's going to be worthless because it'll be too large and bulky. So it's an attempt to keep that document as a usable, workable document.

We therefore urge this be defeated.

Amendment negated on division.

Clause 44 agreed to.

Clauses 45 to 48 inclusive agreed to.

(2230)

Clause 49

Mr. Goohsen: — Thank you, Mr. Chairman. Well, Mr. Minister, I think you realize that 14 days is too short for a small business. We suggest 21 days as the time. Again we think that you're trying to crowd people too much in the province of Saskatchewan where our distances and our communication systems are not always as dependable as they could be in a big-city type of atmosphere. We think that we have to give this consideration and allow for the realities of the world that we live in.

With that I will move the amendment to clause 49 of the printed Bill:

Amend clause 49 of the printed Bill at subsection (1) by deleting "within 14 days" and substituting:

within 21 days.

I so move, Mr. Chairman.

Hon. Mr. Shillington: — The member will have noted that we had proposed exactly the same amendment. It is our intention to accept the amendment from the member opposite in a spirit of cooperation and goodwill. Ours, Mr. Chairman, will be withdrawn and there is no need to refer to it. We would urge the Assembly to pass this amendment and I'd urge the Chair to ignore our amendment which has been previously filed with you.

Amendment agreed to.

Clause 49 as amended agreed to.

Clause 50

Hon. Mr. Shillington: — I think the members will see that this is simply ancillary to the amendment which was passed by yourself. I'll therefore without further comment move that we:

Amend section 50 of the printed Bill by striking out "14" in subsection (1) and substituting "21".

I so move.

Amendment agreed to.

Clause 50 as amended agreed to.

Clauses 51 to 55 inclusive agreed to.

Clause 56

Mr. Goohsen: — Thank you, Mr. Chairman. Several groups, Minister, have suggested to us that they prefer a further appeal to the Queen's Bench in all cases as per the existing Act. Now Queen's Bench appeal should be possible on not just a decision of an adjudicator pursuant to section 33, but also on adjudicator decisions pursuant to all other sections of the Act, is the case that they have made with us.

And I think that their case might be well taken, and with that in view, we would like you to consider supporting the following amendment which I will now move to clause 56 of the printed Bill:

Amend clause 56 of the printed Bill by deleting subsection (1) and substituting:

(1) An appeal lies to Her Majesty's Court of Queen's Bench for Saskatchewan from any decision of an adjudicator.

I so move, Mr. Chairman.

Hon. Mr. Shillington: — I'm going to urge this be defeated although we gave this very careful consideration. The . . . some members of the business communities, CFIB were the ones I recall, did urge this upon us. At the end of the day after giving it some consideration we decided not to proceed with it.

The existing wording is a very common wording. We did so on the advice of the Department of Justice. The existing wording is a very common wording in providing appeals for inferior tribunals. It is on a question of law or jurisdiction, a question of law as defined fairly broadly, including those cases where there's no basis for the finding of fact.

And it is such that it allows the appellate courts — the Queen's Bench in this case — to really control the sort of appeals it has to hear. It gives the judges control over the appeals and we think that's appropriate. It is a very expensive mechanism. We think it's useful to give the judges a control over the mechanism and that's in fact the end product of what this does.

So I think this is a reasonable balance between providing an appeal and not clogging the court system with a number of appeals which may not have a lot of merit. I therefore urge this be defeated.

Amendment negated on division.

Clause 56 agreed to.

Clause 57 agreed to.

Clause 58

Mr. Goohsen: — Thank you, Mr. Chairman. I didn't think we'd have to issue a wake-up call just yet; after all we did work until 4 o'clock in the morning one night and there were still some people that survived. It's not late yet, so let's get right at her here and see if we can't improve this Bill.

Under clause 58 we suggest, Mr. Chairman, and Mr. Minister, that the penalties — penalties as high as \$50,000 for a single, isolated offence — are too high. They should be up to \$10,000 as per subsection (4). Penalties under subsection (7) and (8) still allow plenty of opportunity for additional punishment.

And I guess that's fairly self-explanatory in what we

intend there, so I will move the amendment.

Clause 58 of the printed Bill:

Amend clause 58 of the printed Bill at clause (6)(a) by deleting "\$50,000" wherever it appears therein and substituting: "\$10,000".

I so move, Mr. Chairman.

Hon. Mr. Shillington: — The level of fines is in fact similar . . . is in fact identical to what's in Alberta. I want to point out that these are maximums, always in the discretion of the person . . . of the judge who hears this, and they simply provide a judge with a broad discretion to levy a fine which is a deterrent but which at the same time is not unduly harsh. So it provides a judge with a maximum amount of discretion and we would urge that it be passed.

Amendment negated on division.

Clause 58 agreed to.

Clauses 59 and 60 agreed to.

Clause 61

Mr. Goohsen: — Thank you, Mr. Chairman. Mr. Minister, the vicarious liability, we feel we have to delete or neglect somehow this section. This sets up an almost impossible due-diligence defence and will likely discourage many people from ever accepting board offices or executive appointments.

Here again, Mr. Chairman, I can't see how we are really benefiting the workplace or the safety of the workplace by holding people responsible for decisions that they have not made. I can see people being responsible for their actions for the things they do, but being held responsible for things that you aren't even aware of, that you may not have made a decision on, I mean come on, give us a break. How are we supposed to live with that kind of thing in a free, democratic society?

I mean I just can't see how you can hold people responsible for things they don't know about, and that they haven't made a decision on because they haven't known about it. That just doesn't make any sense, and it's bound to scare people out of corporate boards. You are definitely here attacking any kind of an institution or structure within our society that in fact has to operate with appointed boards or boards of any kind.

And that is an attack on business of some size, mostly, and as a result I think you will see another exodus of business opportunity and job opportunity in our province. Because these people that have rather larger businesses in our world quite simply don't need Saskatchewan very much. I haven't heard of a big multinational corporation yet that has claimed that they can make very much for profits in Saskatchewan as compared to places where they have bigger populations.

There are some exceptions and I'm sure you're going to pick one up right away. But there are very few of those exceptions and the reality of the real world is that most big companies have been moving out of Saskatchewan because the opportunities for profit are not big with our small population. And if we set more stumbling blocks in their way, I can't see how we're ever going to hope to build this province into a very heavily populated area of the world.

Now you may want to have it without a population, but you have to face the facts, sir, that without a population, we also have no tax base to pay the bills that you seem to want to run up — \$5 billion worth and more already this year.

So let's take a hard look at this, Minister, and see if we can't come up with an amendment that will correct some of the problems in this area. I would like to move an amendment to clause 61 of the printed Bill:

Amend clause 61 of the printed Bill by deleting the words "or neglect" where they appear therein.

I so move, Mr. Chairman.

Hon. Mr. Shillington: — Neglect doesn't add anything new here. There are positive duties within this Act. This only provides that this corporation or the owner, as the case may be, is vicariously liable. It's a well-accepted principle in the whole area of commercial law, and this section is no different than other sections in similar statutes appearing in this province and every other province and state in North America. It's a well-accepted section that I would urge this Assembly pass.

Amendment negated on division.

Clause 61 agreed to.

Clauses 62 to 64 inclusive agreed to.

Clause 65

The Chair: — We should take the government amendment first in this case.

Hon. Mr. Shillington: — This may clarify it. This section refers only to . . . the section on confidentiality refers to medical examinations of a worker pursuant to the section 64 and not pursuant to this Act and regulations. Sixty-four is I think self-explanatory but it refers to medical examinations the medical officer requires.

We therefore are, in a sense, tightening up the section and making it more focused. I'm sure all members will want to join with us in passing this amendment.

The Chair: — I'd like the minister to move the amendment.

Hon. Mr. Shillington: — I move that we:

Amend section 65 of the printed Bill by striking out “this Act or the regulations” and substituting “section 64”.

Amendment agreed to.

The Chair: — At this point I’ll take the amendment from the member for Maple Creek.

Mr. Goohsen: — Thank you, Mr. Chairman. I had hoped that the minister would move an amendment that would take care of ours so that we wouldn’t have to do it, but it didn’t do that so we’ll have to carry on and get at it here and do our own.

Confidentiality of medical examinations under clause 65. Now this is still written in very confusing language and still seems to prohibit any employer from being able to know whether his or her employee has a serious, suddenly occurring health problem which could endanger the lives of other co-workers. I guess I can identify with the suggestion that’s made in my notes here more than some other people might, but I have worked in rather dangerous occupations, both myself and alongside of dangerous occupations where I’ve watched the results.

(2245)

The petroleum industry, for example, in the exploratory stages. The drilling process is extremely dangerous at times, and if a worker happens to be ill from some kind of fainting spells or something like that, and he happened to be the fellow that’s running the main switch on the equipment, certainly two, and three, and sometimes four other employees can be killed very suddenly by one mistake of a switch of the lever on that equipment.

And noting that, I want to move the following amendment to clause 65 of the printed Bill.

Amend clause 65 of the printed Bill by deleting the words “shall not communicate, to the employer or to any person other than the worker or the worker’s physician,” and substituting:

“shall not communicate to any person other than the worker, the worker’s physician or the employer,”

I so move, Mr. Chairman.

Hon. Mr. Shillington: — This section was the subject of fairly extensive discussions. It was reworked more than once and the section has been amended by ourselves. I think at the end of the day, after all the permutations in this section, it is satisfactory to all concerned. The comment with respect to this amendment, the reason why I’m going to urge it be defeated, is that the medical records are confidential and they shouldn’t be disclosed to anyone other than the worker. It’s fairly basic sort of human rights.

Amendment negated on division.

Clause 65 as amended agreed to.

Clauses 66 to 68 inclusive agreed to.

Clause 69

Mr. Goohsen: — Thank you, Mr. Chairman. The functions of division we say quite simply should be deleted out of this part of the Bill. And for the expediency of time, I simply will go on to the moving of the amendment.

Clause 69 of the printed Bill, I now move the amendment:

Amend clause 69 of the printed Bill by deleting clause (d).

I so move, Mr. Chairman.

Hon. Mr. Shillington: — I shall be equally brief and say that this has been a part of this Act since 1972 and has not caused any problems. I urge this amendment be defeated.

Amendment negated on division.

Clause 69 agreed to.

Clause 70

Mr. Goohsen: — Thank you, Mr. Chairman. Mr. Minister, your remarks in the last statements were something along the line that this has been in the Act since 1970. I think maybe when it’s been there that long, it’s high time we did examine it and maybe we should have taken it out.

With that, I’ll say simply that in section 70, we should delete number (e). I think you will understand it as I read it, and I’ll move the following amendment to clause 70 of the printed Bill:

Amend clause 70 of the printed Bill by deleting clause (e).

I so move, Mr. Chairman.

Hon. Mr. Shillington: — Well I don’t know if the member is going to find this argument all that appealing, but may I say this has been in the Act since 1972 and has not caused any problems. I therefore urge it be defeated.

Amendment negated on division.

Clause 70 agreed to.

Clause 71 agreed to.

Clause 72

Mr. Goohsen: — I guess we do have an amendment for clause 72 so . . . (inaudible interjection) . . . It looks

like more than one, yes.

Thank you, Mr. Chairman. We have several amendments, so this will just take a minute. Under 72, inspections, investigations, search — generally speaking, these sections of the Act will provide more power to the Labour department's bureaucracy than either common law or the criminal law, i.e., exceeding powers of the city police and the RCMP (Royal Canadian Mounted Police).

This section is arbitrary and excessive because its exercise is totally within the discretion of the government officer, requiring not even a suspicious . . . a suspicion rather, that an offence contrary to the Act has been committed.

Only a suspicion, Minister. I could make up a suspicion pretty quickly. I suspect that a lot of folks could. Entry onto private property to the extent authorized by this section also probably violates an individual's rights under section 8 of the Canadian Charter of Rights and Freedoms.

Many of the business groups are saying that our business colleagues have several legal opinions which express these concerns. Now having said that, Mr. Minister, we want to go on to our amendment and the reason for it. Under 72 (1), at the end of this whole list numbered (a) to (h) there should be an additional paragraph saying that relates to the reasonable and probable grounds that any workers' health and safety is in jeopardy.

This additional wording is necessary to avoid abuse of power, to follow the chapter . . . charter rather, and to be consistent with similar changes made in The Environmental Management and Protection Act during these House amendments last summer. If I get my lip around the right words here we'll be all right.

Also under clause 72, I have further notes, Minister, under (a), and I think that that means that those are for the next amendments. So I will now move the amendment that I have just given my argument to which goes along the lines:

I move an amendment to clause 72 of the printed Bill:

Amend clause 72 of the printed Bill at subsection (1):

(a) by deleting the period at the end of clause (h); and

(b) by adding immediately after clause (h) a general statement that applies to clause (a) through (h) as follows:

that relates to the reasonable and probable grounds that any workers' health and safety is in jeopardy.

I so move, Mr. Chairman.

Hon. Mr. Shillington: — I think the member's thought

is already included in this section. The section now says, "where the officer has reason to believe." It implies a reasonableness on the part of the officer. I think it's already included. I think it's unnecessary, and I urge it be defeated.

Amendment negated on division.

Mr. Goohsen: — We were going to propose an amendment to clause 72. We're calling it clause 72(a). I think I'll just go through the rest of my briefing notes that I've prepared here and then we can apply the Bills to them, up to, it looks like, about three more.

So with that there is little justification to authorize a non-consensual, non-warrant entry, under circumstances where workers are not even at work at the time, or where the alleged violation is not of a serious nature. We also suggest that it may amount to a temporary expropriation without compensation of private property. And further on, we feel that it requires an individual to provide information to the officer without the benefits of counsel, or even the protection afforded by the Saskatchewan evidence or the Canadian evidence Act, i.e. the right to silence is integral to the criminal process.

Now, Mr. Minister, I can't help but to just ad lib a little from my own notes because I think that, seriously, you have to reconsider the position of your government in the direction it's going with the Bills that you are presenting to this province. You're suggesting that we change the whole format of our law making and law keeping in this province. We are no longer working within the jurisdiction of our court system, and the established British-North American development and process of development of our democracy, and the system of democracy that we work under. Jurisprudence, those kind of words, all fall into place.

The reality, sir, is that you are now setting up a power structure in the province that deviates seriously from the democratic process that we have evolved. I'm surprised if this isn't some kind of precedent for our country and for North America. And I'm sure there will be some example that you can use to say that it's not.

But when I make a statement that is very heavy, like a police state, I don't do that lightly, and I don't do that frivolously. But the reality is that many of the things that you are doing in this Bill makes Saskatchewan into a police state, no matter how else you look at it. I can't find other words that describe the direction that we're heading. We're giving power to people beyond the reason, or the reasonableness, of a democracy, at the same time where there is judicial power and police power to protect all of the rights of the people of our province in every area. You're overstepping the bounds of your authority, sir, and this is objectionable beyond words.

I simply am going to do this and am going to place into the records another suggestion of an amendment. I'm quite sure that you will find some way to excuse yourself from facing the reality of what you're doing,

but I'm sure that the people of Saskatchewan will hold you accountable.

A few minutes ago you made the statement that you didn't think I would like your remark. The thought crossed my mind, I really don't care what your remarks are here. You're putting your remarks on the record for the public to judge. I wouldn't vote for you anyway.

So I'm suggesting, sir, that what you say is important to yourself, and you ought to consider heavily what you're saying because it's a reflection on how people are going to judge you in the days and the years to come. I'm sure you shouldn't want to go down in history as the man who tried to destroy the province, along with a few of your colleagues.

With that I want to move the following amendment:

Amend clause 72 of the printed Bill at subsection (4) in the general words preceding clause (a):

(a) by deleting the words "any place or premise" and substituting "any workplace"; and

(b) by adding immediately after the words "where the officer believes" the words, "under oath and with respect to a specific offence and the specific form or type of evidence sought,"

I so move, Mr. Chairman.

Hon. Mr. Shillington: — Notwithstanding the hour, I'm just going to take a very brief moment to respond to these comments. This does go to the heart of what some of the organizations objected to about this Bill. I just want to say again that this is not a criminal statute, this is a preventative statute.

Perhaps one way to illustrate the comment is to refer to a former member with whom I once shared time in the Assembly, a former member from Kinistino, Art Thibault, who died in the early 1980s.

Art Thibault — I'm not sure what his education was; he was possessed with a lot of common sense — he used to continually urge us to . . . not to be in his . . . in the language of a common-sense farmer, not to be guard dogs but to be sheepdogs. Not to try to prevent . . . not to sort of growl at people when they crossed the line, but to try to work with people and prevent them from crossing the line. That's the spirit of this legislation. We're trying to be sheepdogs, not guard dogs.

With that I'm going to urge that the . . . I'm not going to make these comments, although I know I will be asked to do so. I'm not going to make these comments after each one of these amendments. These comments, Mr. Chairman, apply to all of these amendments and they're the reasons why I would urge the Assembly to defeat all of the amendments under section 72.

Amendment negated on division.

(2300)

Mr. Goohsen: — Thank you, Mr. Chairman. The comments made by the minister, Mr. Chairman, indicate of course that the next amendment attempts to follow up with alleviating some of the problems in this section and his comments are that he's going to oppose the amendments all for the same reason. I'm going to suggest that I'm making the amendments all for the same reason, and basically that reason is that we don't agree with living in a police state and we will fight long and hard to change that for as long as it takes.

And I think that your comment that this isn't a Criminal Code does not alleviate you from responsibility in treating people with fairness, with dignity, and with the right to use the proper judicial system that we have evolved in our democracy.

And your friend who thought you should be a guard dog rather than a . . . or a sheepdog rather than a guard dog, I think must have rolled over in his grave tonight — God rest his soul, whoever he is — because you are certainly becoming not only a guard dog, you are becoming a vicious attack dog in this Bill, and nothing else.

Now with that, I want to move the following amendment, and I move clause 72 of the printed Bill:

Amend clause 72 of the printed Bill at clause (6)(b) by adding immediately after the words "that the delay necessary to obtain a warrant" the following:

(i) would jeopardize the investigation of an alleged offence of a very serious nature; and

(ii) under extreme and rare emergency circumstances.

I so move, Mr. Chairman.

Amendment negated on division.

Clause 72 agreed to.

Clauses 73 and 74 agreed to.

Clause 75

Mr. Goohsen: — Thank you, Mr. Chairman. Duties of the Occupational Health and Safety Council, subsection (a), should be amended to indicate the role is advisory only. Protection of workers could evolve into yet another dispute, regulatory licensing or inspection agencies . . . another duplicate rather of regulatory licensing or inspection agencies. Now I don't think that there's anything to be gained by going into any more length on the explanation so I will move an amendment to clause 75 of the printed Bill:

Amend clause 75 of the printed Bill at clause (2)(a) by adding immediately before the words “occupational health and safety generally” the words:

“in an advisory capacity only.”.

I so move, Mr. Chairman.

The Chair: — I might say I’m corrected that there is no other amendment that’s being proposed to clause 75.

Hon. Mr. Shillington: — We were briefly actually considering accepting this amendment. Council always acts in an advisory capacity. Quite frankly the section is wrong. We’ve not had an opportunity to thoroughly consider this. I think however the wording of the section makes this amendment unnecessary. It’s clear that the council is only advisory as is. So we’d urge this be defeated as being unnecessary.

Amendment negated on division.

Clause 75 agreed to.

Clauses 76 to 83 inclusive agreed to.

Clause 84

The Chair: — There are two amendments and in this case we’ll take the opposition amendment first.

Mr. Goohsen: — Thank you, Mr. Chairman. In addition to reviewing the adequacy of this Act, they should be asked to review the adequacy of its administration similar to how it is written in Bill 55. And I guess with that comment, I will read our amendment to clause 84 which I now move. Clause 84 of the printed Bill, I move we:

Amend clause 84 of the printed Bill be deleting “review the adequacy of this Act” and substituting:

“review the adequacy of all matters concerning this Act, the regulations and the administration of this Act and the regulations”.

I so move, Mr. Chairman.

Hon. Mr. Shillington: — The member will know, because he’s been provided with a copy of an amendment which we’re proposing, I think the two amendments had the same effect. I think our wording is simpler. I’m therefore going to urge that the amendment which you propose be defeated and ours be accepted.

I say to the member opposite, that it appears from the material I have, that this was suggested to the member by the CFIB. We got the same suggestion at about the same time. The Justice department lawyers have worded that suggestion in the form in which we have it. So I think if the member will accept our suggestion, it’s gone through a vetting process which I think probably yours has not, otherwise it’s the same force

and effect.

Amendment negated on division.

Hon. Mr. Shillington: — In light of what I’ve said, I move that we:

Amend section 84 of the printed Bill by adding “and its administration” after “this Act”.

I so move.

Amendment agreed to.

Clause 84 as amended agreed to.

Clause 85

Mr. Goohsen: — Thank you, Mr. Chairman. Under clause 85, immunity, this complete legal protection being given to the bureaucracy and the workers of the occupational health and safety committees or small-firm representatives, goes way too far. There should be a counterbalance, a new 85(2) which prevents vexatious or frivolous behaviour by those people and also includes penalties, appeals, etc., if they are acting vexatiously. I guess that’s fairly apparent to what we’re saying. We’re simply saying that the whole thing goes too far and that we ought to have some accountability in our process. And with that I move:

Amendment to clause 85 of the printed Bill:

(a) by renumbering the clause as subsection 85(1); and

(b) by adding a new subsection (2) as follows:

“(2) Notwithstanding the immunity afforded the persons mentioned in subsection (1), where any of those persons has acted in a vexatious or frivolous manner,

(a) a worker or an employer may bring an action in Her Majesty’s Court of Queen’s Bench for damage suffered as a result of any such vexatious or frivolous act, as the Judge may determine; and, in addition to any award of damages,

(b) where the Judge so determines, any person committing that vexatious or frivolous act is guilty of an offence and is liable on summary conviction therefor to a fine of not more than \$5,000.00.

I so move, Mr. Chairman.

Hon. Mr. Shillington: — The form of the section which is in this Act is in most Acts and has been used for a long period of time, both by this government and by the government of which the member from Morse was a member. I don’t know what it would take to actually persuade this entire system of ours to adopt a new form, but I frankly have neither the time nor the

energy to try.

The committee agreed to report the Bill as amended.

This section is of long-standing and we urge that the amendment be defeated, and we go with precedent, as we lawyers always do.

THIRD READINGS

Amendment negated on division.

Bill No. 56 — An Act respecting Occupational Health and Safety

Clause 85 agreed to.

Hon. Mr. Shillington: — I move the Bill be now read a third time and passed under its title.

Clauses 86 to 90 inclusive agreed to.

Leave not granted.

Clause 91

The Assembly adjourned at 11:17 p.m.

The division bells rang from 11:10 p.m. until 11:11 p.m.

Clause 91 agreed to on the following recorded division.

Yeas — 19

Shillington	Trew
Goulet	Serby
Kowalsky	Flavel
Cunningham	Roy
Hagel	Cline
Bradley	Harper
Lorje	Carlson
Pringle	Jess
Calvert	Haverstock
Johnson	

Nays — 3

Martens	Goohsen
D'Autremont	

Hon. Mr. Shillington: — In absentee, I thank my officials. The members will note that they've sat outside for most of the afternoon, had nothing more to amuse them than to watch the elected members walk through the hallway, which is not high amusement. And we're here all evening. We have been here all day, but we at least have been inside. I think we often fail to realize how much the public servants sacrifice to make this Assembly work, and I want to thank them.

Some Hon. Members: Hear, hear!

(2315)

Mr. Goohsen: — I will of course join with the minister in thanking the officials for their diligence and good work; however, I will point out to the minister that it is his timing that caused us all to sit around all afternoon. I too sat here waiting all afternoon, waiting to take on this particular Bill.

And the ill-timed program is the result of the things that happened on your side of the House today, not ours, and as a result we are here yet. And hopefully we can still go home, but I do want to go home with a clear conscience, saying that the officials certainly did do a good job and we're happy that they were able to be here and did a good job for us, and we thank them.