

April 11, 1994

EVENING SITTING

ADJOURNED DEBATES

SECOND READINGS

Bill No. 32

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Shillington that **Bill No. 32 — An Act to amend The Labour Standards Act** be now read a second time.

Mr. Trew: — Thank you, Mr. Speaker. It's my pleasure today to address this Bill regarding The Labour Standards Act. It's been my desire to speak to it for some time after I'm listening to members opposite . . .

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

Ms. Murray: — With leave, to introduce guests, Mr. Speaker.

Leave granted.

INTRODUCTION OF GUESTS

Ms. Murray: — Thank you, Mr. Speaker, and thank you to my colleague, the member from Regina North. Mr. Speaker, it's a pleasure for me this evening to introduce to you, and through you to my colleagues in the Legislative Assembly, seven Scouts from the First Lumsden Scout Troup. They are seated in your gallery and they are accompanied by their leader, Mr. Conrad Olson. The Scouts are between the ages of 11 and 14, and on this very lovely day in Regina they have come to spend some time here and I look forward to meeting with them later on this evening. I'll ask all of you to join me in giving them a warm welcome to Regina.

Hon. Members: Hear, hear!

ADJOURNED DEBATES

SECOND READINGS

Bill No. 32
(continued)

Mr. Trew: — Thank you, Mr. Speaker. As I was saying, it's my joy to speak to Bill No. 32, The Labour Standards Act. It has been somewhat difficult from this government side listening to the tales of woe, the naysayers of the opposition, the members opposite, as they predict that The Labour Standards Act, which simply is a very progressive and in fact the first move of its kind in North America towards ensuring that working people in Saskatchewan are treated fairly . . . and especially aimed at providing prorated benefits for part-time workers. Now that's something that my party campaigned on for many years in opposition — far too many years; it was nine and a half years in opposition — but we campaigned on that. It comes as absolutely no surprise to anyone, nor should it, that

we are now moving towards prorated benefits for part-time workers.

Just before 5 o'clock, I heard the Leader of the Opposition talking about how this labour standards legislation is going to eliminate the competitive edge and business owners are going to flee from Saskatchewan. But what the naysayer opposite, the naysayer from Thunder Creek, fails to recognize is that small-business owners all throughout Saskatchewan have children of their own.

Having three teenagers I know of what I speak when I say I want my children, as I believe do all parents, want my children to have the very best working conditions that they possibly can. And if that means prorated benefits, if they have to start with a part-time job, so be it. At least they are given some minimum provisions. We on the government side are delighted to stand up on behalf of working people, as has long been our style, and this is genuinely ground-breaking legislation for which we are incredibly proud.

I listen to the naysayer opposite, the member for Thunder Creek, talking about the doom and gloom and he said, you know durum prices are pretty good right now but you know they could go down any time. Well you know, Mr. Speaker, that's absolutely true but we don't need a shot of naysaying; we need a shot of people that'll stand up and say you know durum prices are pretty solid right now, canola price is pretty solid, flax price is pretty solid, lentil price is very high, oats high, cattle and livestock prices fairly high. We have real reason for optimism. Can the bottom drop out of any of those markets? Of course it can. That has always been the case in Saskatchewan and Saskatchewan farmers know it as does everyone in this fair province of ours. But commodity prices and agriculture — coming along very good.

I don't know why the Leader of the Opposition is so adamant in not recognizing some of the good news for just what it is. I listened to what I could of the member for Maple Creek. I confess that I don't have leather ears but, Mr. Speaker, I was very chagrined and somewhat taken aback when the member from Maple Creek started taking stripes off of the president of the Saskatchewan Federation of Labour.

I thought it was shameless. In fact I thought it was right in tune with the opposition's attack on our appointment of Mr. Garf Stevenson to the health election committee. It was a personalization of the issue of the worst kind, and whatever one might say of Ms. Byers, I can assure you, Mr. Speaker and all people, that Ms. Byers was speaking her mind on this Bill as she was this evening when I saw her on the television news speaking about The Trade Union Act that we introduced earlier this day.

Agree with Ms. Byers or not, that's fair game. But to attribute some ill motive as the member for Maple Creek did is just not on; that was a cowardly move on his part.

Mr. Speaker, for nine and a half years, the Liberals and the Tories have stuck together, and that continues. Both the Liberals and the Tories voted against the introduction of The Labour Standards Act, voted against it on first reading, didn't even want to see what some progressive labour legislation might do for working people throughout the province. It's no wonder, Mr. Speaker, that many, many working people have seen through the Tweedledum and Tweedledumber act. We used to call it Tweedledee and Tweedledum, but Tweedledum and Tweedledumber don't give anything to working people and certainly don't provide prorated benefits for part-time workers. That's what the opposition members, both parties in opposition, say.

Mr. Speaker, I want to turn to some of the positive things about the Bill because in the four or five minutes that I have been speaking, I've simply pointed out what some of the naysayers have said. But I am proud that this Labour Standards Act is going to improve working conditions and benefits for part-time workers. It's going to be providing for improved maternity and other unpaid, family related leaves — that's in the Act. It's going to be providing better protection for working people against arbitrary dismissal. It's going to provide for improved notice of work schedules and better work breaks, improved lay-off notice provisions.

And of course, Mr. Speaker, along with any good legislation, there is improvements in administration and enforcement of this legislation. And that, I see, is a key part in it too. There's no sense having an Act if you don't intend to enforce it. So, Mr. Speaker, this is a very, very progressive Bill.

I guess I still am puzzled though at how it is that the opposition parties can be so adamantly opposed to setting a minimum standard for working men and women. They remind me of the mill owners in England, when that great country England was abolishing child labour. And the mill owners said, oh you take away that child labour, and our mills are going to have to shut down; 1844 that happened, 1844. It's only a century and a half ago, and yet the members opposite seem to be mired in a century and a half ago. Don't let's make any improvements. Don't let's make any improvements in the minimum wage. Don't let's look after any working people. And the time is long past due. In fact if I have a regret about this Bill, it's that it wasn't in last year. But we had a very heavy legislative agenda, and that's history. There's no point in my beating that particular thing to death.

Mr. Speaker, this Bill is consistent with our throne speech on February 7 when, amongst other things, we were talking about the family, and we said:

The Saskatchewan family and the Saskatchewan labour force are undergoing major changes. The participation rate of women in the workplace has increased dramatically, leading to more dual-earner families. In addition, more single parents are participating in the paid labour force. Today's

workplace is dominated by employees who share at least some responsibility for the care of family members.

It goes on, recognizing that:

... balancing work and family responsibilities faces more workers than ever before, my government will introduce amendments to The Labour Standards Act and to The Trade Union Act which will help respond to this need.

Amendments to The Labour Standards Act (Mr. Speaker) will have the greatest benefit for the 70,000 people working in Saskatchewan's lowest-wage jobs, most of whom are women and young people.

Seventy thousand of the lowest-paid wage earners in this province and all the members opposite can do is vote no to this labour Bill, this very important Bill. No, they say to the lowest paid 70,000 people, mostly women and young people. And that's the best that they can come up with. No way, let's stick our heads in the sand like ostriches, they say. Let's ignore the working poor. Let's ignore the realities of 1994.

Mr. Speaker, there is of course much more that any of us and all of us could say, but before I close, I do want to just set the record straight on one little item that the member from Maple Creek was addressing earlier today. And he talked about this labour standards, and I think he was possibly even referring to — I'll give him the benefit of the doubt — referring to The Trade Union Act although that was clearly out of order. And he was referring to this government as having promoted labour unrest and that we were doing so with this legislation. Even if the member from Maple Creek was accurate that this legislation would do that, I'm surprised that the opposition Labour critic wouldn't be smart enough or astute enough or knowledgeable enough to know that the Saskatchewan Wheat Pool employees are — with the exception of about 100 people — they fall under federal labour legislation and there isn't a thing that is affected by the provincial labour legislation.

I'm shocked that a labour critic from the opposition wouldn't have that rudimentary and basic understanding of labour legislation and how things work. It amazed me to hear such an obvious *faux pas* and it also, Mr. Speaker, made me wonder about the credibility of the balance of the ... certainly the member from Maple Creek's speech. But with that kind of research in the opposition caucuses, it made me wonder about the credibility of anything they say.

With that I am going to be taking my place, delighted to have had this relatively brief opportunity to stand up and proudly say, well done to the Minister of Labour, my good friend and colleague; well done to the government caucus; the labour committee; well done to all who have lobbied so diligently to make this a reality.

Mr. Speaker, I am very much looking forward to the

day when we can vote on this Bill and it can pass third reading. Thank you.

Some Hon. Members: Hear, hear!

(1915)

Ms. Haverstock: --Thank you very much, Mr. Speaker. The people of Saskatchewan are very trusting by nature. And many people in Saskatchewan grew up not locking our doors because we simply trusted that no one would violate our property. This is a province in which a handshake was traditionally as good as a contract amongst neighbours. It's not like other places, and that is part of what makes Saskatchewan unique, part of what keeps us here. We don't stay for the weather or for the money or the big city lights. We stay for the people and the security and the sense of neighbourhood and the community that each of us feels here.

There's always been a sense of down-home concern for one another, a feeling that we have to look out for people, those who are struggling, to give a little back when we have had the good fortune, knowing perhaps that a loved one may need a helping hand one day themselves.

But things seem to have changed a bit over the past few years. Our society seems to be getting more and more like places we'd rather not imitate. And that concerns me a great deal because, Mr. Speaker, we have lost some our sense of community, some of our sense of neighbourhood.

And there is a reason for that. Saskatchewan is being forced to grow up, so to speak. We're moving into a bigger, more global world, one much less insulated, and it's forcing us, forcing us to look at other kinds of priorities, priorities like competition in the market-place. And that's creating a lot of change in our society and it is changing our standards.

We want, and people demand, because they feel they deserve the same opportunities in Saskatchewan as we see other people have across Canada and other nations of the world. People are no longer content with their local grocery store because they've been to Edmonton and Calgary or Toronto and they've shopped in those mega-malls and they want to buy what people there can buy. In fact, if the stores don't come to us, we end up seeing our people go to them, leaving the independent business person trying to compete with marketing giants in the retail, restaurant, and service industries. Then Saskatchewan people decide we would like to shop in the evenings just like they do in the bigger cities where there are hundreds of thousands of more people and voilà, we have night shopping.

We travel outside of our borders, outside of our home province, and we see people shopping on Sundays and we say, gee I'd like to have that option, and the next thing you know some giant retail chain says, I can offer that option because I have the size and the economy of scale to do it.

But what happens to our labour force when we become such demanding consumers, when we venture into the big market-place that our world has become? What happens at our home here? Well, Mr. Speaker, we begin to have to make choices. We have to choose whether we want to stay the way we were and have people with nine-to-five jobs who find other things to do on Sunday other than shop, or we have to adjust. In some instances people call it evolving, others of us call it adjust to the system that consumers demand.

And at the moment, when we as consumers decide that we like the convenience and the affordability of such things as fast food restaurants which many of us enjoy — in fact many of us require when we have the kind of lifestyle that we have — we also decide that we support the right of that business person to open and to operate a viable business based on the rules that we have in place when that person makes his or her investment. We as a society create a level of demand which induces investors to generate a supply that matches our demand as consumers and therein lies the risk, Mr. Speaker, for business people and for investors.

When they make a decision to invest in meeting a market demand there's a great deal of careful analysis that goes into that decision. Analysis that many people in society cannot fathom because it takes a great deal of confidence coupled with a willingness to take risks before an individual can commit to opening a business.

And what are the natural factors involved? Well first the investors assess the demand for a product that they are thinking of supplying. And obviously nobody's going to sink money into providing a product that nobody wants. So every business person or want-to-be business person assesses the demand for his or her product. And then if the demand is there a process begins to determine the profitability of opening and sustaining that business, hopefully in our province of Saskatchewan.

Now the success of the business depends on building costs, on equipment costs, on start-up capital, on availability of skilled personnel in the workforce, all kinds of variables that business and industry can quantify. Sales projections are done and weighed against the cost of doing business to determine if the venture should be profitable. And sometimes the investors come to the conclusion that the potential profit merits the risk. And, Mr. Speaker, a business is born or purchased from an existing owner. But one step that everyone follows during that process is an evaluation of the labour laws and the labour costs to run any specific enterprise. People planning to invest need to know what to expect over time where salaries and wages and benefits are concerned because these are the elements which constitute a major component of their expenses.

Now when economic times are tough, businesses do many projections in many locations before deciding

where to set up shop; lease rates, property taxes, operating costs, salaries and wages are all critical factors in determining profitability.

Saskatchewan used to be a pretty competitive place to do business. We had fair property taxes, reasonable lease rates, skilled labour, and average costs of doing business, but things are changing, Mr. Speaker. Other economies, our neighbours, have done their homework. They recognize that any one factor could create a competitive edge to attract investment or a change to their status quo could in fact scare off a prospective business from their community or jurisdiction. And news of such changes travels very, very fast. It travels quickly through the global business and investment networks. And just as changes to the dollar affect the stock market overnight, changes to government policy — whether it be on uranium mining or labour legislation — travel like wildfire through the business community.

Economies that are less regulated, less taxed, are attracting business investment, Mr. Speaker. And those like Saskatchewan which are constantly subjected to instability and upward pressure on expenses being passed on to business by government have become unattractive places to invest.

So what has happened in Saskatchewan, Mr. Speaker? Well the current government and the administration before it have created the makings of an economic catastrophe for Saskatchewan. While the Conservatives believed that they could create their own false economy by spending borrowed tax money, the New Democrats appear convinced that they can tax their way out of debt and legislate a Utopian world in which everyone has a full-time job complete with benefits, just like the government.

But, Mr. Speaker, we don't live in Utopia and I believe that employers, whether they are business people or private sector employers such as local municipalities or schools or hospitals, they want government to recognize that.

Bill 32 proposes major changes to The Labour Standards Act which will enhance provisions for the extension of employment benefits to part-time workers, enhance maternity and paternal leave provisions. Bill 32 proposes substantial changes to initial assessment and appeal provisions respecting wage and compensation loss claims. The legislation increases protection against discriminatory discipline of employees reporting or participating in reporting unlawful employer conduct.

Mr. Speaker, labour standards legislation has always been regarded as having the primary objective of establishing and statutorily imposing benefits of minimum employment standards upon employers and in favour of employees. All provinces have enacted similar legislation dealing principally with hours of work, minimum wages, pay equity, maternity/paternity leave, general leave, public holidays, and annual holidays. So across the nation labour standards deal with wage payment and

collection issues, and with regulating certain other required or prohibited employer conduct.

From that perspective, Mr. Speaker, Saskatchewan, like any other province, has already dealt with the basic issues of concern between employers and employees. I believe, therefore, that it can be legitimately argued that the changes proposed by Bill 32, rather than imposing the minimum generally accepted public standards of employment, imposes certain maximum benefits which were not previously reflected in the economic market-place. What is and must continue to be of primary concern is that we don't legislate changes which impact upon our competitive position in the market-place to the extent that we begin to lose jobs — jobs for the very people that we should be ensuring can be in a position to have the dignity of employment and the position to pay taxes in our province.

In many areas of change, Bill 32 imposes new and potentially expensive obligations upon employers. These obligations have not previously been achieved by unions who represent some of the employees affected. Of greater significance, Mr. Speaker, is the fact that the market-place has not reflected conditions which have resulted in the assumption of many of these obligations by employers where affected employees are not represented by unions.

In examining Bill 32, a number of general questions of principle arise when considering the nature of proposed changes. And I can only take it, Mr. Speaker, from the alertness — which was a facetious comment — rather than the total disregard for anything that I am saying is that not only is the Minister of Labour not interested in what I'm saying this evening, it's become quite obvious that he wasn't interested in reading any of the information that was sent by the piles to his office, as well as the Premier's office, on this topic of businesses that would be affected and of employees that would be affected by this legislation, Mr. Speaker.

Furthermore their lack of interest can only be reflective of the way in which they went about consulting or not consulting with business people and employees in this province, Mr. Speaker, who said that the Minister of Labour, upon each and every occasion when he was speaking with groups in this province, didn't have the wherewithal to want to listen. All he did was to speak to them.

But did he hear? Obviously not, or we wouldn't have the kind of flawed legislation that came before this House, which never should have come before this House before greater amounts of work had gone into it, Mr. Speaker, so that it could have been here and doable without the kinds of unbelievable reactions on the part of both employers and employees across the province of Saskatchewan.

The several questions of principle that arise, Mr. Speaker, when considering the nature of the proposed changes, are as follows. First, first among the general questions of principle is the present economic climate. Can employers, particularly small and

medium-sized businesses, Mr. Speaker, afford the increased financial burden enforced upon them, imposed upon them by the amending provisions of this Act?

Secondly, what will be the implications of the changes for both part-time and full-time employers, Mr. Speaker?

Thirdly, we must pose the question of how this affects collective agreements that are currently in place. People can't believe, Mr. Speaker, that in this particular piece of legislation, it actually says that it overrides all collective bargaining agreements in this province. I can't believe that this particular government would choose to do that when they're so concerned about collective bargaining and the way in which people who negotiate and go through these kinds of exercises come up with arrangements. Why would it have said that in the original proposals, Mr. Speaker?

This, as the members opposite and the minister will know, was one of the major concerns of public sector employers such as SUMA (Saskatchewan Urban Municipalities Association), and SARM (Saskatchewan Association of Rural Municipalities), and the Saskatchewan School Trustees Association, as well as the Saskatchewan Association of Health Organizations.

Like why is it that you wouldn't at least read your own legislation in the same kind of way that all of these affected employers who are concerned about their employees would read it. Where employees are currently represented by unions, what will the impact of these changes be upon the rights of employers, the trade unions and employees to free collective bargaining?

(1930)

I'd like to make it clear that a number of changes in the proposed Bill are indeed positive, Mr. Speaker, and I have no difficulty at all in supporting these particular clauses. The amendments that enhance maternity and paternal leave for pregnancy, the extension of other leave-of-absence clauses, now that the differentiation between catastrophic and unaccountable absenteeism has been made, are certainly improvements that anyone should be able to support.

I believe that it is necessary to have a more practical adjudication process for disputed wage and related claims of employees and the protection of workers from discipline or dismissal for reporting instances of employer illegal conduct. I believe that we need time for deeper consultation on whether the proposed changes are the best approach.

But in general, the government is to be commended for those specific changes to which I just referred because I believe that they will result in improved benefits and protection for employees.

The most controversial aspect of this legislation and

the one most adamantly opposed by employers and associations representing all business sectors are those provisions that propose to extend to part-time workers employment benefits normally and presently enjoyed by only full-time workers. Doubtless, as I said before, Mr. Speaker, no one would argue in a Utopian society that part-time workers should enjoy some of the same benefits enjoyed by their full-time counterparts.

Unfortunately, Saskatchewan business does not operate in Utopia but rather operates in a business market-place in an economic environment which has been difficult for many years. Government-imposed changes that have substantial financial impact for small to medium business and substantially change employer obligations, not as a consequence of the market-place but of government intervention, Mr. Speaker, and imposed by statute, should result in sober second thought.

The Regina *Leader-Post* reported in its issue of Saturday, March 12, and I directly quote, Mr. Speaker:

The Labour Department estimates the changes would affect 10,900 of the province's 66,900 workers.

That change alone is expected to cost Saskatchewan business \$4.3 million per year, and perhaps as much as \$6.7 million.

If the department's estimates are correct, that works out to be \$614 per employee. For a business of 20 employees, that would cut \$12,293 from their bottom line. Now that is the exact equivalent of a salary of a person working 40 hours a week at \$6 an hour.

I wonder where the government would rather see the money spent, Mr. Speaker: on a new job, or on giving a part-time employee an extra \$50. Unfortunately, the reality is that neither is likely to happen. And I believe the minister clearly understands why, as has been pointed out to him by hundreds of businesses across the province — not dozens, but hundreds, Mr. Speaker.

In any case, the Department of Labour indicates that the cost to employers would be about 4.3 to \$6.7 million. The Price Waterhouse study that the Minister of Labour likes to state as such an unequivocal excellent piece of work, that even the Price Waterhouse people say that they couldn't have done appropriately, given that they were never given the context in which this was going to be done — the Price Waterhouse study indicates that the total cost to employers would be between 9.5 million and \$14.2 million, Mr. Speaker.

If we work from the Department of Labour figures, which established the number of part-time workers affected, then the cost per 20-person business would be \$15,633 per year, an even more unaffordable amount for the small operation. Profitability of small business is down, Mr. Speaker, because there have been so many increases to the costs of doing business

in our province of Saskatchewan — costs that operators, both public and private sector employers, cannot afford.

This is not a question of whether, under ideal conditions, I'd like to see any employee have better benefits or better pay. It is a question of whether those conditions exist in Saskatchewan today.

Mr. Speaker, the costs estimated by Price Waterhouse are somewhat suspect because the Bill has changed considerably from what they thought they were costing at the outset. The estimates are conservative at best, since of the 66,339 part-time employees in this province, it is estimated that 35,160 of those work for employers with more than 20 staff. With an estimated 69 per cent of these workers already receiving some proportional full-time employee benefits, the question of whether or not the requirements of the Act will increase these benefits and therefore costs to employers requires analysis.

The point is that even if it were to be accepted that these proposed changes are acceptable in principle, the question is: can businesses afford these changes now, and what serious impact will those changes have on people's ability to have work, keep work, and find new work? To date, Mr. Speaker, there really has not been an accurate assessment done of those costs, and I contend that we must take the time to do the careful analysis before proceeding.

If we fail to do sufficient analysis, we must be prepared to live with the very serious consequences. If business decides that these proposed changes cannot be afforded, then employers will likely need to react in several different ways to minimize the impact.

According to the hundreds of letters and faxes that I have received, which I'm sure have been sent as well to the Premier and the Minister of Labour, employers may do one of the following: reduce the number of hours available to part-time employees, preferring rather to pay overtime to full-time employees. Or second, employers not unionized may unilaterally discontinue benefit plans for permanent employees and thereby avoid prorated extension of those plans to part-time employees. Three, employers may hire part-time or full-time workers at lower wages to be able to afford the additional cost of extending benefit plans to those part-time workers. Wouldn't that just be really benefiting these people a great deal more? Four, employers may not be able to give any wage increases to full-time and part-time workers until the cost of extending benefits are either caught up or more affordable in their general operations. Fifth, employers have said as well that they may pass off some of the increased costs of operating to consumers through price increases.

Now the question most often posed to me by employers is: why these changes now? They're really perplexed, Mr. Speaker. They don't understand why the government is doing this now. Is it part of the political agenda or is it part of good governing?

Employers in this province and many employees who have written, Mr. Speaker, do not believe that this could possibly be part of any intelligent plan for good governing.

Has the government received phone calls and letters from part-time workers demanding these changes? I wonder. Because I want to read from a letter from Tracy Stadnyk who is indeed a part-time worker, a student no less, who is one of the many people who did write to us who are employees and are going to be affected by this legislation. And it's to the Minister of Labour with a copy to myself:

I'm a part-time worker in a fast food chain here in Regina. I'm writing to voice a concern about the recently introduced legislation on part-time employment in the province, and I understand that its intent is to help the part-time workers in Saskatchewan, but the effects of this legislation, if passed, would hurt many more than it would help.

If the Bill is passed and employers are forced to pay benefits to part-time staff as well, 30 to 40 per cent of staff will need to be laid off because of the cost to the employer. Not only will this put many students out of a job, some of whom use the money they earn to put themselves through university, but it will put an excessive workload on the remaining staff, many of whom attend school. Many of those who don't get laid off will be forced to quit because of this excessive workload. I and, I'm sure, many others would prefer a job without benefits as opposed to no job at all.

As I write this letter, Mr. Minister, I do not only speak for myself, but for other staff here who have expressed the same concerns, and I am happy with my job the way it is and I don't want to lose it.

I and a large number of others who are affected by this will be voting in the next election and will most likely vote for a party who protects and creates jobs, not takes them away.

Please, for the sake of the part-time workers in this province, do not allow this legislation to pass.

As much as the members opposite, Mr. Speaker, think that this is all about doing something to benefit some individuals, this very much can have an impact on the very people they are trying to protect. When you take the fast food industry, they believe that these kinds of changes will result in 35 per cent fewer people working out of a workforce of 15,000; 35 per cent of 15,000 employees is a fair chunk, Mr. Speaker. That's a lot of people. And the students with whom I've spoken, they like the flexibility. They want flexibility in their workplace so they can go and write exams or they can go to sporting events. The single moms who work in the fast food industry have also told me that they very much like the flexibility of being able to

come and go on a much more irregular kind of pattern than what would be legislated by a government that people want to have to be in place.

I find it rather ironic, Mr. Speaker, that people somehow, for some reason, on the government's side, have concluded that all of the people who work for urban municipalities, all of those who are affected and employed by rural municipalities, all of those people employed in school boards . . . and the school trustees points out perfectly how this legislation can have a serious impact on their substitute teachers.

And everybody over there sits there and they applaud wildly, and they talk about us not caring about employees. Well if that is indeed the case that they have such selective hearing, that they care so little to listen to the very people that this is going to have an impact upon, I find it very tragic. For what? Because their membership has dropped by 22,000? Is that what this is all about — that the New Democratic membership has dropped by 22,000 so they have to go out and reshore up all of their memberships in their party? That's what this legislation is for, so labour will come on side?

Why don't you talk to the very people this is going to have an impact upon and think about what you're bringing forward? It's astonishing to me that you've had such little interest to talk to the very people who are going to either employ people like this, are going to be impacted by legislation such as this as employees. You really have a very myopic view. I don't know who's coming to you but it sounds as though there's a very select group of people. And where we're talking about the hundreds of people across this province who want to be heard.

You're supposed to be the government that listens to them. You're supposed to hear them. And what do they say? The Minister of Labour didn't hear a word in any of the meetings that he had with anybody. So why do I stand here this evening and read letters like from Tracy Stadnyk? Because obviously that letter addressed to the Minister of Labour wasn't read by the Minister of Labour. If it was read, Mr. Speaker, it most definitely was not understood.

Many employers are concerned that organized labour is behind these changes and they're questioning why they have not been fully successful at negotiating these changes for their employees, the employees that they represent in the collective bargaining process. And I think that's a fair enough question.

The people who sign the pay cheques, Mr. Speaker, they feel that if these benefits were affordable they would have been able to use the collective bargaining processes to achieve them. There's a body of opinion which says that perhaps unions who represent retail and other sectors have chosen over the years to negotiate agreements which put other benefits for full-time workers ahead of concerns about benefits for part-time workers.

(1945)

The other question we must ask is whether part-time employees really want or whether they really benefit from these proposed changes, or whether they would rather have improvements to their wages, where employers can reasonably afford increases as opposed to prorated benefits which they may never take advantage of. These proposed costly changes will no doubt also have some influence in discouraging new businesses who rely heavily on part-time workers to locate in our province of Saskatchewan, or to have existing Saskatchewan small businesses choose not to expand their labour force to exceed the 20 minimum employees, being the threshold for the imposition of these additional costs.

At a time when Saskatchewan can ill afford to put up barriers to increased business and economic activities, it should not, through legislative provisions such as these, send the wrong signal to small and medium-sized businesses and put up barriers to competitiveness that business can ill afford.

I always am rather baffled, Mr. Speaker, that the members opposite, this particular government, tries to speak the speak. They're always talking about how government doesn't really create jobs; it's business that creates jobs; it's employers who take risks that create jobs. But you know what, Mr. Speaker? They don't really believe it, because if they really believed it and they really knew it, they wouldn't do such a thing as what we've been seeing in the . . . especially the initial proposed changes in Bill 32.

If they truly understood what it was like to have to risk their own money to try to be their own employer, to be able to use innovation and creativity to make for jobs, to create a special environment and see growth happen, if they really understood those things, they would understand what all of these business people have written about. Like Rempel Bros Construction in Saskatoon where they say section 43, how it'll affect them:

. . . that being that the construction industry is mainly seasonal, this section will be impossible for us to follow (they say). Very few of our employees have been here under 10 years and our season is approximately 25 weeks long. Under this section 43 we would have to lay them off midway through the season. Now that makes real sense considering that we don't know how much work we're going to have from day to day never mind for 10 weeks.

Has any person on the government side done any real business? I mean I question whether any of them have had any real jobs that have had to be involved in employing people with time lines like this. If they have, why wouldn't they have anticipated this, Mr. Speaker? Why would this have to be brought to this particular House and then we determine all of the amendments that have to be made because they messed up.

Well here's another one for the Minister of Health

who obviously needs some help in understanding this issue or she wouldn't be making the side comments she is, Mr. Speaker.

The Speaker: — Order, order. Order. I have listened very carefully and the member several times has referred to members' actions in the House. I think the member should realize that that is simply an unaccepted procedure in the House. She should not refer to other members in the House and their particular behaviour.

Ms. Haverstock: — Thank you, Mr. Speaker.

Queen City Cleaners is also interested in this proposed legislation. They're from Regina and they were writing to the Premier, Mr. Speaker, expressing concerns regarding the proposed revisions to The Labour Standards Act. And I will directly quote:

In a province where doing business is at best difficult, it is often well nigh impossible. Changes to labour standards legislation, notwithstanding your government's good intentions, are both unproductive and inappropriate.

You and members of your government may not appreciate just how difficult the business environment actually is. In the service sector we are struggling with diminishing margins as a consequence of increased input costs that we are unable to pass along to consumers. Further, consumers' discretionary spending has been severely constrained by governments at all levels who are punitively taxing away their ability to spend. Your attempts to redress non-existent problems makes my ability to do business even more problematic. You are increasing costs significantly. And perhaps you don't realize it that it is small-business employers like myself who employ the vast majority of workers in this province. This legislation is no more and no less than another cross to bear for those who employ the folk, pay the salaries, and take the risks.

The signals you are sending to the business community through actions such as this proposed legislation are precisely the wrong ones. Please focus your attention on ways and means of developing a sound economy in our province. Concern yourself with infrastructure renewal, diversification, and regulatory reform. Those of us who have been in business for some time are pretty decent men and women. We aren't running sweatshops. We care about our employees, our communities, and our shareholders. Please respect us.

I think that that's a very reasonable request, Mr. Speaker. And all of the people who were business people who came to see us, including public sector employers, all they wanted was to be heard and understood. They wanted their concerns about this proposed legislation to be known to the people in

charge of governing the province of Saskatchewan.

There are many, many others, Mr. Speaker. A steel fabricator in Regina says that it is apparent that government has not asked, or if they had asked they did not listen to the people concerned. There's a boiler company in Saskatoon who's written to the Premier, indicating just exactly the disastrous effects that this would have on their company. And it says:

Make no mistake about it; these amendments will have a catastrophic effect on our firm and on every other firm in Saskatchewan.

And, Mr. Speaker, the list goes on. It's not just people from these kinds of businesses. Someone who owns a hairdressing firm in Saskatoon who has written and indicated that scheduling employees a week in advance means that they will probably not be able to employ any part-time workers as they would normally phone in the day before to see if they are booked with clients. This affects everyone, Mr. Speaker.

I think my point has been made. I'm not convinced that it's understood either. But the proposed changes received front page coverage in the *Toronto Globe and Mail*, Mr. Speaker, these proposed changes to this piece of legislation. They made the front page of *The Globe and Mail* on the March 12 issue under the subheading, quote, "Employees dismayed by Bill extending benefits to all workers", end of quote.

In short — and I shall end here this evening — Mr. Speaker, while the idea has merit and the idea and principle is good, the timing is bad. It's bad for business, it's bad for employees, and it's bad for Saskatchewan. Thank you very much.

Mr. McPherson: — Thank you, Mr. Speaker. Mr. Speaker, I do not wish to obstruct the process by dragging out the debate, but I do want to put forward the Liberal position on record in second reading as to how we feel about the government's approach to this Bill 32, the Act to amend The Labour Standards Act.

Mr. Speaker, this has been a doomed process from the outset. First the government set out to craft legislation which would suit the demands of the people who requested it regardless of what impact that might have on either employees or employers. Next the minister proceeded to travel around the province staging meetings with people who had no idea what might or might not be in the Bill so that he could claim to have consulted broadly on the proposed amendments. We understand that. Everywhere he went, the minister made long speeches, gave little opportunity for questions, and rarely listened. That is not what consultation should consist of, Mr. Speaker.

One has to wonder what kind of government would propose to alter the viability of Saskatchewan business, to put Saskatchewan firms on unequal footing with the rest of the world in terms of our competitiveness. What kind of a government would do this without allowing those affected every opportunity to analyse and evaluate the impact of the

legislation beforehand?

Mr. Speaker, whatever chance the government ever had to bring business and labour to the table to achieve a consensus, a compromise between what is desirable and what is affordable, whatever chance the government had to do that in a positive spirit of cooperation has been destroyed because of the clumsy way in which this was handled. This seems to be a trade mark of the government, taking serious and important issues and stepping all over the people in the process.

Mr. Speaker, the government has tried everything to cover its tracks but nothing is working. The members opposite shout and catcall misleading statements about the Liberals not being concerned about women and students and part-time workers. Well, Mr. Speaker, that is a height of hypocrisy.

The government introduces legislation without taking the time to assess its impact, builds up people's hopes that it is going to do something for them without undertaking proper consultation with their employers who will be handed the bill, and then backs out on its own commitment to the people it's promised the changes to.

I simply fail to see the strategic planning ability of this government showing through on anything it has done since taking office. Health care, agriculture, taxation, Crown corporations, environmental review, gaming, the holes are everywhere in this government's plans for the province. Every time we turn around another government decision is being reversed, or overturned, or legislated out of sight.

We have the Minister of Justice making comments like, it seemed to be a good idea at the time, then passing laws to undo his errors. It would appear that this legislation is another one of those Bills which seemed like a good idea at the time, Mr. Speaker, at least until they showed it to those affected and then all hell broke loose.

Mr. Speaker, since this Bill has been introduced, we have been hearing absolute horror stories, not just about staff cuts and lay-offs being considered, not just about what adjustments will have to be made by employers to cut back on benefits and staff levels to avoid being affected by the amendments — we have heard about those things, Mr. Speaker — but what has been even more frightening is the fact that business people, SSTA (Saskatchewan School Trustees Association), SUMA, SARM, chambers of commerce, have all been scrambling around convening emergency meetings trying to get an audience with the Minister of Labour.

The people of Saskatchewan would be appalled to think that major decisions are thrust upon people with the expectation that they will simply trust the government to do what is in the best interests of the province, exempt from any scrutiny.

Mr. Speaker, the opposition parties, the employers

and indeed the part-time workers as well, deserve to see the proposed legislation, to review it, and to take part in an open consultation once it is on the table. The fact is, Mr. Speaker, this government had no intention of doing so, and has only been forced to revisit the legislation as the result of eleventh hour pressure from employers and other levels of government.

The representatives of the labour movement have an equal right to be upset. This legislation was presented to them as a done deal, masterfully crafted to gain the support of the SFL (Saskatchewan Federation of Labour), the RWDSU (Retail, Wholesale and Department Store Union), and other unions. Many of those union leaders had input into the Bill but are now bitterly disappointed at the changes.

That, Mr. Speaker, is what happens to a government that tries to play politics with people and gets caught in the middle of that — once again is what has happened to the Minister of Labour because ultimately the government always gets caught in its own trap. Mr. Speaker, there is a basic correlation between the number of people working in Saskatchewan and the number of jobs available. If you take actions that result in a reduced number of jobs and employment opportunities for workers, then you are not doing anyone any favours.

The problem that this government has is that it is afraid of people. It is afraid to put its full intentions on the table and let people have a say about how they will be affected. What would be so wrong with the government putting together a draft Bill and sending it into the public domain for consideration and consultation? What does the government fear from that?

(2000)

Well, Mr. Speaker, the government is afraid to let people in the process in case they disagree with the government's position. But you see, that is the whole problem. The process is not about doing what is best for Saskatchewan New Democrats; it is about doing what is best for Saskatchewan. If the process is left to unfold to allow for full debate — debate outside this Assembly, in the communities, dialogue between employers and employees and taxpayers — then we as elected representatives can become the conduits for that information. We can bring the opinions of the taxpayers and the employers and the part-time workers back to the legislature. That, Mr. Speaker, is how the process is supposed to work.

It is interesting to hear the Minister of Labour talk about how he is developing a new process. Let me quote the minister. He says: increasingly, we find people are comfortable with the process. Well, Mr. Minister, the only thing that people are getting comfortable with is that they finally can see the legislation and they can finally voice their disapproval about what it is compared to what they were led to believe would be in it.

Finally, after being kept in the dark for months while the legislation was being drafted, people have been able to hold this Bill up to the light, and guess what? It's full of holes. As one business person told me, it's as if they didn't talk to anyone who would be affected by this legislation. They just slapped it together and indicated that it was ready to go, hoping we wouldn't mind that it might just ruin their business.

I find it impossible to understand how the government commissioned Price Waterhouse to evaluate the costs of this Bill when the regulations have not been prepared and the content of the Bill keeps changing. I would be very interested in knowing just how the questions on the survey were prepared because if everyone was asked the same questions, regardless of the industry they're in, the results would be meaningless.

Obviously someone in the construction or mining industry, for instance, is going to be far more affected by the cost of group terminations than is a fast food operator. Interestingly, none of the 12 major fast food operators from southern Saskatchewan have been surveyed or consulted on any part of this legislation. It is interesting . . . it is frustrating to note that the Minister of Labour hints at changing the process. He said in an interview the other day, I admit the process is new.

Well, Mr. Speaker, there is nothing new about talking to people, giving them time to absorb information and then going back to them to get their point of view. It may be new to this New Democrat government, but it has been around since Socrates. Somehow it seems as though the government is afraid that its policies will be disputed, or challenged, and that it wants to do everything behind closed doors — in the back rooms, Mr. Speaker.

Well, Mr. Speaker, the public is way ahead of that. They can tell the difference between politics and government, and they recognize that the motivation behind this Bill was strictly political. I refer to the New Democrat election platform where it says, as financial resources are available, Roy Romanow and the New Democrats will introduce fair labour laws, developed in consultation with working people and employers to promote harmony in the workplace.

Now, Mr. Speaker, it occurs to me that the financial resources being referred to are government resources — not NDP (New Democratic Party) resources or resources from employers. If they are government resources, then it seems to me that employers should not be getting the bill for the cost of these amendments. And if employers are expected to pay, then I believe there should have been far more intensive study with respect to whether the financial resources are indeed available to the employers' perspective — not just business people, but school boards, and municipalities.

Mr. Speaker, it is obvious that the government has put the cart before the horse where labour standards amendments are concerned. If Saskatchewan's

economic community, business and labour, employers and employees both public and private sector, part time, full time, union and non-union, are to pull together we need to set the process straight, Mr. Speaker. The reality is that there have been a great many changes to this legislation at different stages since its inception. Drafts were prepared and a study was done by Price Waterhouse. Then the legislation was introduced and passed around. As the result of genuine concern by employers, what we understand to be the House amendments have been circulated outside the House but not to the opposition parties.

Effectively the legislation which was studied by Price Waterhouse is not the legislation being discussed as of today. The position of the Liberal caucus is that the legislation should not proceed until a further costing estimate is done and an impact survey conducted, a survey designed with input from employers and labour to ensure that questions are directed to the sectors impacted by specific parts of the legislation. Mr. Speaker, this is a process which should have been established at the outset. It is unfortunate that this had to unfold and develop piecemeal as a result of applied pressure. But, Mr. Speaker, that is what we have and we have to work with it.

Mr. Speaker, I encourage the Minister of Labour to do the right thing — pull the Bill until there has been adequate, unpressured time for input, discussion, and evaluation. This is an issue that will affect the competitiveness of Saskatchewan for generations. Surely the government will agree that it deserves more than two weeks consideration at second reading stage without forcing the opposition to filibuster and try to buy time which should be readily available from any government who is at all concerned with consultation and proper process.

Thank you, Mr. Speaker.

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

The Assembly adjourned at 8:07 p.m.