



FIRST SESSION - TWENTY-SIXTH LEGISLATURE

of the

**Legislative Assembly of Saskatchewan**

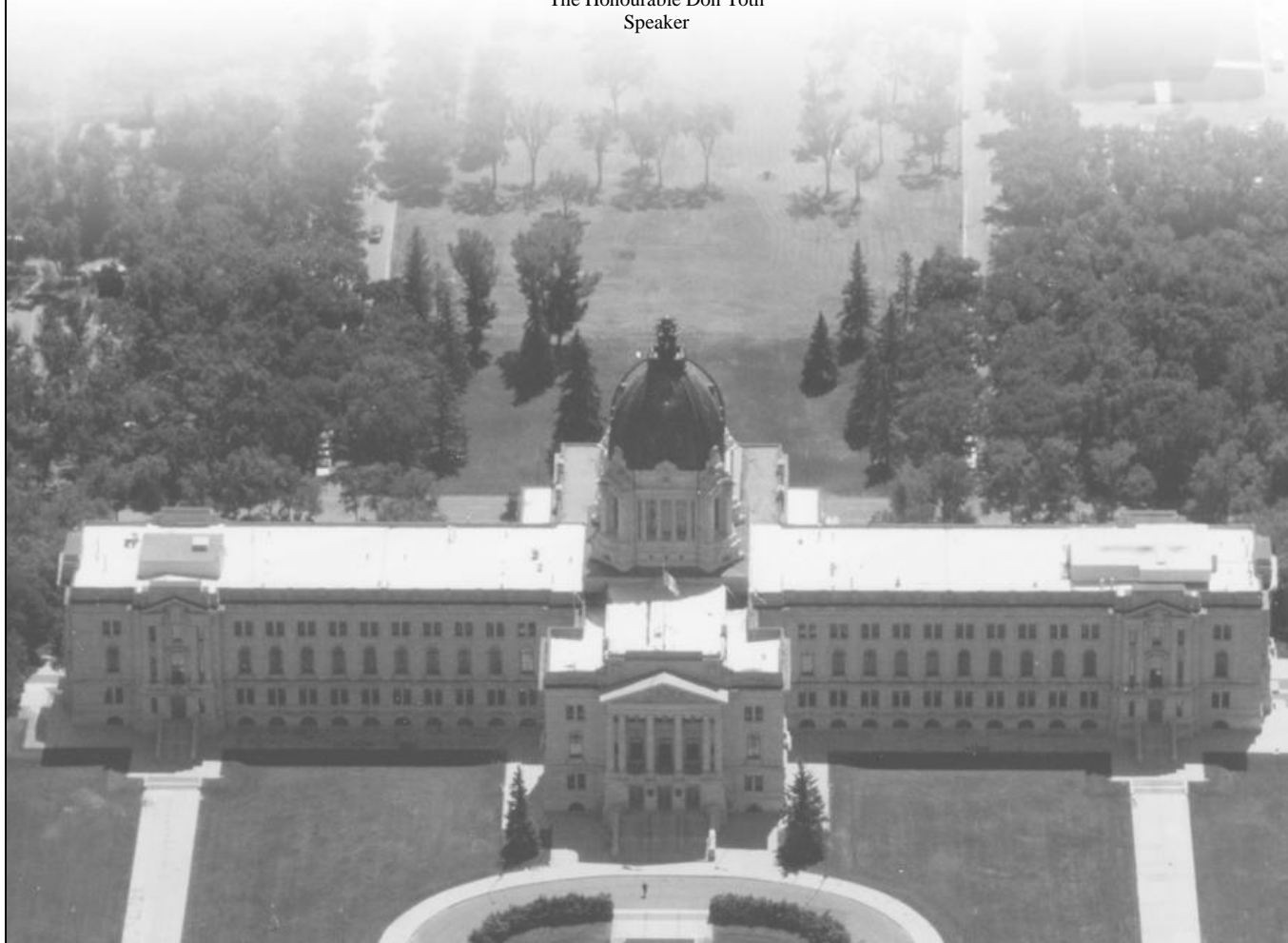
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**DEBATES  
and  
PROCEEDINGS**

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(HANSARD)

Published under the  
authority of  
The Honourable Don Toth  
Speaker



**MEMBERS OF THE LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**

Speaker — Hon. Don Toth  
 Premier — Hon. Brad Wall  
 Leader of the Opposition — Lorne Calvert

<b>Name of Member</b>	<b>Political Affiliation</b>	<b>Constituency</b>
Allchurch, Denis	SP	Rosthern-Shellbrook
Atkinson, Pat	NDP	Saskatoon Nutana
Belanger, Buckley	NDP	Athabasca
Bjornerud, Hon. Bob	SP	Melville-Saltcoats
Boyd, Hon. Bill	SP	Kindersley
Bradshaw, Fred	SP	Carrot River Valley
Brkich, Greg	SP	Arm River-Watrous
Brotten, Cam	NDP	Saskatoon Massey Place
Calvert, Lorne	NDP	Saskatoon Riversdale
Cheveldayoff, Hon. Ken	SP	Saskatoon Silver Springs
Chisholm, Michael	SP	Cut Knife-Turtleford
D'Autremont, Hon. Dan	SP	Cannington
Draude, Hon. June	SP	Kelvington-Wadena
Duncan, Dustin	SP	Weyburn-Big Muddy
Eagles, Doreen	SP	Estevan
Elhard, Hon. Wayne	SP	Cypress Hills
Forbes, David	NDP	Saskatoon Centre
Furber, Darcy	NDP	Prince Albert Northcote
Gantfoer, Hon. Rod	SP	Melfort
Harpauer, Hon. Donna	SP	Humboldt
Harper, Ron	NDP	Regina Northeast
Harrison, Jeremy	SP	Meadow Lake
Hart, Glen	SP	Last Mountain-Touchwood
Heppner, Hon. Nancy	SP	Martensville
Hickie, Hon. Darryl	SP	Prince Albert Carlton
Higgins, Deb	NDP	Moose Jaw Wakamow
Hutchinson, Hon. Bill	SP	Regina South
Huyghebaert, Yogi	SP	Wood River
Iwanchuk, Andy	NDP	Saskatoon Fairview
Junor, Judy	NDP	Saskatoon Eastview
Kirsch, Delbert	SP	Batoche
Krawetz, Hon. Ken	SP	Canora-Pelly
LeClerc, Serge	SP	Saskatoon Northwest
McCall, Warren	NDP	Regina Elphinstone-Centre
McMillan, Tim	SP	Lloydminster
McMorris, Hon. Don	SP	Indian Head-Milestone
Michelson, Warren	SP	Moose Jaw North
Morgan, Hon. Don	SP	Saskatoon Southeast
Morin, Sandra	NDP	Regina Walsh Acres
Nilson, John	NDP	Regina Lakeview
Norris, Hon. Rob	SP	Saskatoon Greystone
Ottenbreit, Greg	SP	Yorkton
Quennell, Frank	NDP	Saskatoon Meewasin
Reiter, Jim	SP	Rosetown-Elrose
Ross, Laura	SP	Regina Qu'Appelle Valley
Schriemer, Joceline	SP	Saskatoon Sutherland
Stewart, Hon. Lyle	SP	Thunder Creek
Taylor, Len	NDP	The Battlefords
Tell, Hon. Christine	SP	Regina Wascana Plains
Toth, Hon. Don	SP	Moosomin
Trew, Kim	NDP	Regina Coronation Park
Van Mulligen, Harry	NDP	Regina Douglas Park
Wall, Hon. Brad	SP	Swift Current
Weekes, Randy	SP	Biggar
Wilson, Nadine	SP	Saskatchewan Rivers
Wotherspoon, Trent	NDP	Regina Rosemont
Yates, Kevin	NDP	Regina Dewdney
Vacant		Cumberland

[The Assembly met at 10:00.]

[Prayers]

## ROUTINE PROCEEDINGS

### INTRODUCTION OF GUESTS

**The Speaker:** — I recognize the Minister of Justice.

**Hon. Mr. Morgan:** — Thank you, Mr. Speaker. Mr. Speaker, seated in the west gallery today are representatives from police-based victims services programs in Saskatchewan, and I will ask them to stand up as I introduce them. Pat Thiele is the director of victims services, and Dwight Lawrence is the program manager for victims services.

This is, Mr. Speaker, Victims of Crime Awareness Week, and we have some volunteers with us today — Gerry Pepler of Yorkton and Jean Carroll of Saskatoon. Each have 15 years of volunteer service. They have been with the program since it began.

Those here today who have given 10 years of volunteer service are Margaret Minski of North Battleford, Brenda Nicholls and Peggy Johnson of Moose Jaw, Prudence McKenzie and Rhonda Durand of Prince Albert, and Doug Haroldson of Maple Creek.

I will have more to say later on, Mr. Speaker, in a ministerial statement about victims service and the volunteers who help to deliver its services to their communities. I'd like to ask all members to join with me in making these particular individuals feel welcome in their legislature today. Thank you, Mr. Speaker.

**Hon. Members:** — Hear, hear!

### PRESENTING PETITIONS

**The Speaker:** — I recognize the member from Moose Jaw Wakamow.

**Ms. Higgins:** — Thank you very much, Mr. Speaker. Mr. Speaker, I stand to present a petition to the House on behalf of my Moose Jaw constituents that speaks to the support and increase to health services in our area of Five Hills. And the petition reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to take the necessary steps to provide funding for the expansion and renovation of the Moose Jaw Union Hospital.

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

Mr. Speaker, I so present on behalf of my constituents.

**The Speaker:** — I recognize the member from Saskatoon Fairview.

**Mr. Iwanchuk:** — Mr. Speaker, I present petitions today in opposition to the government's Bill 5, The Public Service

Essential Services Act, and Bill 6, An Act to amend The Trade Union Act. And the prayer reads as follows:

We respectfully request that the Legislative Assembly of Saskatchewan urge the new government to withdraw both Bills and hold broad public consultations about labour relations in the province.

And as duty bound, your petitioners ever pray.

The petitions are signed by residents of Moose Jaw, Martensville, Langham, and Saskatoon. Thank you, Mr. Speaker.

**The Speaker:** — I recognize the member from Saskatoon Meewasin.

**Mr. Quennell:** — Thank you, Mr. Speaker. I have some pages of petitions signed by citizens concerned about the Sask Party government's decision to withdraw funding from Station 20. And the petition reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to immediately restore funding to the Station 20 project.

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

### STATEMENTS BY MEMBERS

**The Speaker:** — I recognize the member from Moose Jaw Wakamow.

#### Saskatchewan Skills Canada Competition Winners

**Ms. Higgins:** — Thank you very much, Mr. Speaker. Mr. Speaker, today it's my pleasure to acknowledge a group of Moose Jaw students who recently came home with medals from the 10th annual Saskatchewan Skills Canada competition held in Saskatoon. Three young competitors from Peacock Collegiate came home with gold medals: Brock Paul in auto body repair, Marc St. Marie in electronics, and Samantha Pirie in job interview category. Central Collegiate's Jordon Westre finished first in Web design. All four of these students earned spots on the provincial Skills Canada team and will compete at the national competition in May in Calgary.

Other medal winners were Peacock's Laura Simpson and Dani Van Tassel, who won silver medals in TV/video production; Megan Bieber, with a bronze medal for information technology office software applications; and Justin Hender, with a bronze medal in mechanical computer-aided diagram drafting.

Six SIAST [Saskatchewan Institute of Applied Science and Technology] Palliser students took home medals in post-secondary events also. Palliser Campus swept the architectural computer-aided drafting category with Ben Vetter winning gold, David Watt with silver, and Eric Morrison with bronze. Matthew Dawson and Andrew Hamilton won silver medals in the carpentry and electrical wiring divisions.

Jennie Jenson of the Academies Career Training Centre won a

bronze in the aesthetics division.

Mr. Speaker, I ask all members to please join me in congratulating these very talented young Saskatchewan residents.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Saskatoon Sutherland.

#### **Adopt a Member of the Legislative Assembly**

**Ms. Schriemer:** — Mr. Speaker, thank you. I would like to say a few words about an experience I had over the weekend.

On Saturday afternoon I had the opportunity to visit a family in my constituency as part of the Adopt an MLA [Member of the Legislative Assembly] initiative through the Saskatchewan Association for Community Living.

The Adopt an MLA initiative began in 2004 and was created to build relationships between families and their elected representatives. The goal is for the MLA to really understand more about the intellectual disabilities and the realities some families face because of these disabilities. It also reconnects families to the political process by building a personal relationship with their MLA.

Maxine and Duncan South and their son, Jeremy South, invited me to their home to discuss an issue of great importance to them — Jeremy's independence.

Jeremy is a 30-year-old man with Down's syndrome. He lives a very active life that includes working at the Lutheran Sunset Home. He lives with his parents and over the past few months he has expressed a desire for more independence. Maxine and Duncan fully support Jeremy's dream and believe that his goal can be met with the proper supervision and safe housing.

Mr. Speaker, I am very proud to have participated in this program and I urge all other MLAs to participate as well. I am honoured that the South family invited me into their home and thank them for the hospitality they provided. I look forward to maintaining the relationship we have forged. Thank you.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Saskatoon Fairview.

#### **North Saskatoon Business Association Discusses Bills 5 and 6**

**Mr. Iwanchuk:** — Mr. Speaker, I would like to congratulate Shirley Ryan and the North Saskatoon Business Association for holding a luncheon last Friday at Prairieland Exhibition in Saskatoon where a panel addressed the content, rationale, and impact on business for Bills 5 and 6.

The panel speakers were Mr. Ted Koskie of Koskie Helms; Dr. William Albritton, dean of Medicine; and Mr. David Dutchak, president of the Saskatchewan Chamber of Commerce.

Mr. Speaker, it is important to note the North Saskatoon Business Association held this business luncheon to allow their stakeholders an opportunity to have discussions and open dialogue on this very important issue. Stakeholders have repeatedly requested the opportunity to hold broad public consultations with the government on this issue and have not yet had the opportunity to do so despite the government's position that they have already occurred.

Mr. Speaker, there were several government MLAs who were present at the panel discussion who also applauded the North Saskatoon Business Association for holding open debate on Bills 5 and 6. Mr. Speaker, the Minister of Advanced Education, Employment and Labour attended the luncheon and also commented that it was important to have a healthy debate over Bills 5 and 6 despite his reluctance to do so.

Mr. Speaker, I would submit that public consultations are crucial for democracy as it gives all of our citizens the opportunity to speak, and not just the chosen few who agree with the Premier's philosophy. Mr. Speaker, I congratulate the government MLAs on their position that it's important to have open debate on Bills 5 and 6 because any legislation should be able to withstand the light of public scrutiny. Thank you.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Regina Qu'Appelle Valley.

#### **MacKenzie Art Gallery Art in Bloom Event**

**Ms. Ross:** — Thank you, Mr. Speaker. Over this weekend I, along with the member of Regina Wascana Plains, was able to attend and participate in the Norman MacKenzie Art Gallery 15th Art in Bloom event.

Mr. Speaker, this event is a celebration of spring and creativity and volunteerism. Mr. Speaker, this event is hosted and organized by over 300 volunteers as a way to raise funds to bring more local, national, and international art to our city and province. The wonderful volunteers were able to bring over 800 viewers over two days and raise over 8,000 this year.

Mr. Speaker, the gallery works tirelessly to enhance our province and educate our youth. And, Mr. Speaker, the money raised from Art in Bloom event will go towards education programs and the acquisition of new, quality works of art.

Mr. Speaker, the gallery belongs to the people of Saskatchewan, and I would like to invite all members of the Assembly to take time out of their day to attend the Norman MacKenzie Art Gallery, especially this week, because this is the last week of the wonderful Warhol exhibit.

Mr. Speaker, the arts are a wonderful part of our heritage and it was a pleasure to attend. Thank you, Mr. Speaker.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Prince Albert Northcote.

### Methadone Assisted Recovery Program Graduation

**Mr. Furber:** — Mr. Speaker, on Friday, April 4, a very special graduation was held in Prince Albert. The program is called Skills Unlimited III and is run by the Prince Albert Methadone assisted recovery program. The program is designed to help drug addicts who are on the methadone program integrate back into work by giving them the support and necessary tools to succeed.

Eight graduating students participated in the ceremony on the 4th. Mr. Speaker, all eight students are now employed, a 100 per cent succession program.

All of the students have struggled with drug addiction and all with the horrors that come with it. Just a short time ago these students felt there was no hope for them. This program has changed all of that, Mr. Speaker. The students now know they have a bright future in front of them.

This was a pilot project. It was a partnership between the Jubilation Program, Dr. Leo Lanoi, and the Western office of the Canadian Training Institute. Mr. Speaker, I ask that all members join with me in congratulating the graduates of the Skills Unlimited III program and acknowledging the work and dedication of John Fryster, executive director of the Jubilation Program, and his wife Hanalore. Thank you.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Batoche.

### Constituents Receive Samuel McLeod Legacy Award

**Mr. Kirsch:** — Thank you, Mr. Speaker. Mr. Speaker, last Wednesday evening the Prince Albert Chamber of Commerce hosted the Samuel McLeod Business Awards. The awards are in place to celebrate and recognize business excellence in P.A. [Prince Albert] over the past year. I would like to congratulate two constituents of mine, Ed and Anne Dymterko, on being honoured as winners of the Samuel McLeod Legacy Award.

Mr. Speaker, in 1976 Ed and Anne started up a excavating company on a small loan and some faith. The simple philosophy, work hard and be good, led this company to becoming one of the biggest and best known excavating companies in Prince Albert and the lakeland area today.

Mr. Speaker, community involvement is paramount to the success of any city, and it is always good to see local businesses get involved. The Dymterkos are a fine example of this. Their dedication to this community has been shown over the years through participation in the Kelly Dymterko AA Memorial Hockey Tournament, Habitat for Humanity, the Art Hauser Centre, and the expansion of St. Mary's High School. The long-standing success of their business is truly a testament to their leadership within the business community. The year marks the 32nd anniversary of Dymterko Enterprises.

So today, Mr. Speaker, I ask all members to join me in congratulating Ed and Anne Dymterko for being a true legacy in the Prince Albert business.

**Some Hon. Members:** — Hear, hear!

[10:15]

**The Speaker:** — I recognize the member from Regina Elphinstone-Centre.

### Scott Collegiate Dinner Theatre

**Mr. McCall:** — Thank you very much, Mr. Speaker. The past Thursday night the member for Regina South and I were part of a packed house in attendance at a Scott Collegiate dinner theatre production, "Eat Your Words."

From a delicious gourmet meal to the excellent collective play, *Looking In, Looking Out* to the kicking rhymes of the three fine MCs [master of ceremonies] in "So Far, So Good" to the great silent auction to the stirring dinner music to the excellent art work and design of the night's program itself, all of these things came together in a wonderful production, and everyone in attendance knew they were there for something very special.

And what made the night so special? For starters it was the students and staff themselves who had put in a ton of effort, energy, and creativity to make it all happen. They used the night to say something strong and true about our shared home, north central. They spoke about tragedy and heart-wrenching social problems. But they also spoke of pride and belonging and community.

They said a lot, Mr. Speaker, and they said it with a humour, passion, and fierce hope and, most importantly, they showed us the great things that these young people can achieve if they believe and if they are believed in.

To all who made the night such a great success, to students like MC Shone Sparvier and Kashayla Checkosis, to the all-star Scott teachers directly involved, Raegan Vollman, Kelley Christopherson, Janine Taylor, Jennie Davies, and Chris Beingessner and Jeff Smysniuk, keep up the great work. Bravo. You should all be very proud. Thank you, Mr. Speaker.

**Some Hon. Members:** — Hear, hear!

### QUESTION PERIOD

**The Speaker:** — I recognize the member from Moose Jaw Wakamow.

### Revenue Sharing With Municipalities

**Ms. Higgins:** — Thank you very much, Mr. Speaker. Mr. Speaker, when I asked previously of the minister about the chorus of municipalities proposing large property tax hikes, the minister said he needed to give me a lesson. I can assure the minister that his flippant answers and lame attempts at humour are doing nothing to address the concerns of Saskatoon ratepayers who are facing an 8.6 per cent property tax increase. This minister does nothing while more and more municipalities are facing large property tax hikes.

To the minister: will he commit today to put additional funding into municipalities so they can avoid massive tax increases?

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the Minister of Municipal Affairs.

**Some Hon. Members:** — Hear, hear!

**Hon. Mr. Hutchinson:** — Mr. Speaker, the hon. member's question is surprising, to say the least. The reason that we have the situation with respect to property taxes that we do today is 16 years of flippant answers from the former government.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — Order. I would ask, I would ask members to be a little careful of the type of words they use. It just creates animosity in the House. The minister.

**Hon. Mr. Hutchinson:** — Thank you, Mr. Speaker. The other thing that needs to be remembered, of course, is the historic framework agreement that was signed last week with the federal government. This commits the federal government to providing \$635 million for infrastructure programs to the province of Saskatchewan. That's going to go a long way to help the property tax concerns of all municipalities.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Moose Jaw Wakamow.

**Ms. Higgins:** — Mr. Speaker, an infrastructure program does not address operating costs or the property tax issues that municipalities face. And we're looking at increases being proposed in Saskatoon of nearly 9 per cent and some taxpayers facing even higher rate increases, those in Yorkton who are facing 9.8 per cent hike. And just down the road in Melville, citizens were facing a 7.5 per cent increase, so their council cut some programs, and now the tax hike will be around 5 per cent. To the minister, will he finally admit his budget is failing municipalities and taxpayers, and commit to sharing some of his billion dollar surplus with taxpayers of Saskatchewan?

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the Minister Responsible for Municipal Affairs.

**Some Hon. Member:** — Hear, hear!

**Hon. Mr. Hutchinson:** — Mr. Speaker, perhaps the hon. member opposite is not aware of the fact, but it's simply the truth that an enormous part of the property tax revenues that cities, towns, and villages receive have to be expended on infrastructure. So it is impossible to avoid the fact that \$635 million coming into the province, specifically designed to aid with infrastructure projects, will inevitably help municipalities.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Moose Jaw Wakamow.

**Ms. Higgins:** — Well just to remind the minister, the

infrastructure program is spread over seven years. That's a long time for municipalities to wait. And in the meantime we've got Saskatoon coming in at an 8.6 per cent increase, Yorkton at 9.8 per cent, Melville at 5 per cent or more after a number of cuts. We also have Regina proposing 3.9 per cent increase, Moose Jaw at 3.6 per cent, Prince Albert, 5.3, and North Battleford coming in at a 6 or 7 per cent increase.

Mr. Speaker, while the minister sits on \$1 billion, taxpayers are going to be digging a little deeper to pay for the minister's incompetence. To the minister, this list is a clear sign that the minister and his budget have failed the people of Saskatchewan. Will he commit to fix his underfunding before more Saskatchewan families are on the hook for bigger property tax bills?

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the Minister Responsible for Municipal Affairs.

**Some Hon. Members:** — Hear, hear!

**Hon. Mr. Hutchinson:** — Mr. Speaker, I've reminded the hon. member opposite again and again and again, we wouldn't even be in this situation if her former government had not clawed back \$300 million out of the revenue-sharing agreement during the course of the 1990s. Year after year after year, they clawed back more and more money until finally they had half the number of dollars going to municipalities. That's the start of this whole problem. Again, Mr. Speaker, they broke it; we're fixing it.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Moose Jaw Wakamow.

**Ms. Higgins:** — Well, Mr. Speaker, I'll remind the member opposite that they have \$1.3 billion in surplus sitting in cash in the bank and are still refusing to help municipalities.

Now the minister likes to think he's got it right, and that's what he keeps telling us. Even though that the provincial coffers are overflowing, the minister and that Premier have no problem telling taxpayers that we have to pay more. While they run around taking credit for the province's prosperity, they're failing to share it with the very people who are responsible for Saskatchewan's growth — the men and women who are the backbone of our province.

To the minister: how does he defend the shameful neglect of the municipal taxpayers at a time of unprecedented prosperity? Will he admit that he got it wrong and commit today to sharing the wealth with Saskatchewan families?

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the Minister Responsible for Municipal Affairs.

**Some Hon. Members:** — Hear, hear!

**Hon. Mr. Hutchinson:** — Thank you, Mr. Speaker. What the hon. member opposite conveniently forgets time and time again is that their government had 16 years to get it right with respect to revenue sharing. They didn't fix it. We're fixing it. We're getting it right. They dropped the ball. We're going to carry it across the finish line and get a touchdown.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member for Regina Rosemont.

#### Funding for School Divisions

**Mr. Wotherspoon:** — Mr. Speaker, this Sask Party government has made plenty of promises to commit to funding rural school divisions and addressing the challenge of school closures. Now the people of Prairie South School Division are finding out just how empty Sask Party promises are.

Mr. Speaker, Prairie South taxpayers already pay the highest mill rate in the province, but the Sask Party government has responded by reducing funding to Prairie South by over \$1 million. In a recent statement on behalf of the division, board Chair Gord Stewart points out that, and I quote, "Rhetoric about 'saving' rural schools is just that . . ."

To the minister: why are you forcing the people of Prairie South, who already pay a higher mill rate than anywhere else in the province, to pay far more?

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the Minister of Education.

**Some Hon. Members:** — Hear, hear!

**Hon. Mr. Krawetz:** — Thank you, Mr. Speaker, for that question. As you can tell, my voice may not last, and I'll try to give an answer if possible.

Mr. Speaker, over a number of years the former government downloaded onto the school boards. It's no secret that in Saskatchewan taxpayers who are landowners pay the highest amount to support education in all of Canada, Mr. Speaker. So as a result, the province has made an attempt to look at tax rebates. It's made an attempt to look at how we fund education. Equity is very, very important, Mr. Speaker.

And there have been phase 1 and phase 2 of the foundation operating grant. There have been reviews. And they've started on that process. Unfortunately there are a few school divisions like Prairie South who have a very significant declining enrolment. And that is one of the causes that has resulted in less tax dollars. And I'll try to get into a few more, Mr. Speaker, as soon as he asks the next question.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Regina Rosemont.

**Mr. Wotherspoon:** — Mr. Speaker, it's more than just a few school divisions. This budget places the burden of tax increases

on far too many in this province. Instead of addressing the real problems that taxpayers are facing, the Saskatchewan Party paraded around the province unfairly raising people's expectations. As board Chair of the Prairie South School Division, Gord Stewart, has said, and I quote:

With only 1 million . . . set aside in this budget, funding for "schools of opportunities" appears to be a band-aid solution at best, and, at worst, a red herring for the public. It gives the appearance of supporting all rural schools, while allowing the government to avoid responsibility for funding them at a level that would encourage and allow long-term sustainability.

To the minister: why, with \$1 billion in the bank, is the Sask Party government failing to accept its responsibility to fund schools adequately, and why is it forcing tax increases upon its residents?

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the Minister Responsible for Education.

**Some Hon. Members:** — Hear, hear!

**Hon. Mr. Krawetz:** — Thank you, Mr. Speaker. Thank you, Mr. Speaker. Mr. Speaker, the Education budget has increased by almost 25 per cent — a phenomenal amount. I think that shows . . .

**Some Hon. Members:** — Hear, hear!

**Hon. Mr. Krawetz:** — That clearly shows this government's commitment to education and ensuring that we produce the best education possible. Mr. Speaker, the schools of opportunity have been discussed for about a year and a half already. We indicated when we were still in opposition that there was a need to address a situation where a community may be able to look at growth, may be able to look at the potential of a school increasing. And as a result of that, we have had a committee that has been working for the last three months to not only produce the changes, Mr. Speaker, that you're going to see today in The Education Act regarding the consultation process for school closures or grade discontinuance, but there is also going to be regulations that will put in place the opportunity for communities to apply for schools of opportunity.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Regina Rosemont.

**Mr. Wotherspoon:** — Mr. Speaker, after factoring in the teachers' collective bargaining costs, many school divisions have lost significant funding. Mr. Speaker, talk is fine, but money's better. Northwest has effectively lost almost 11 per cent, the same in Prairie South, and at Sun West almost 17.5 per cent. Mr. Speaker, this is unacceptable. Again as Mr. Gord Stewart says:

Talk is cheap. Education is not. It's time to put the money where the campaign promises were and level the playing

field for rural school divisions like ours.

To the minister: does the minister stand by his budget — a budget that hampers the ability of so many school divisions to deliver quality education, and it raises the taxes across this province?

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the Minister Responsible for Education.

**Some Hon. Members:** — Hear, hear!

**Hon. Mr. Krawetz:** — Thank you very much, Mr. Speaker. Mr. Speaker, this government and I as the Minister of Education are extremely proud of this budget for education, Mr. Speaker. Mr. Speaker, there are situations like the Prairie South School Division. Now I want to clarify, Mr. Speaker. Mr. Speaker, there are five school divisions that will in fact be receiving less grant this year than they did last. Mr. Speaker, that information is on the website. It was put on the website immediately after budget.

**The Speaker:** — Order. Order. Order. It would be appropriate to allow the minister to respond that the minister could conclude his remarks.

**Hon. Mr. Krawetz:** — Thank you, Mr. Speaker. Mr. Speaker, there are a number of factors that affect those five school divisions that are going to receive less grant. The other school divisions, the other 23, are in fact receiving more grant — in some cases significantly more.

The member opposite has to review the foundation operating grant. The member opposite needs to . . .

**The Speaker:** — Order. Order. Please allow the minister . . . Member from Regina Rosemont will allow for a response please.

**Hon. Mr. Krawetz:** — Mr. Speaker, the factors are there. There are vulnerability factors. There are distance factors. There are transportation factors, and there are school enrolment factors, Mr. Speaker. One of the concerns is that that school division has had an enrolment decline of 275, Mr. Speaker. That is significant.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Saskatoon Meewasin.

### Confidential Documents

**Mr. Quennell:** — Mr. Speaker, last Thursday we found out the Regina Police Service has concluded their investigation into the matter of unauthorized removal of confidential documents. I quote from the news release, quote, “When these two police reports were tabled in the Saskatchewan Legislature and appeared on the public website of a political party in April 2007, the Regina Police Service began an investigation into how the reports were . . . made public.” The release goes on to

say that the Regina Police Service had identified a suspect in the matter, but the matter has concluded pending further evidence.

It’s clear police believe they can identify who gave the documents to the Saskatchewan Party, but they cannot press any charges without more information, information that only the suspect and the Sask Party government know.

To the government: who provided the unauthorized documents to the Sask Party?

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the Minister Responsible for the Department of Justice.

**Hon. Mr. Morgan:** — Mr. Speaker, during the tenure of the previous administration, a system was developed where if there was a complaint made regarding a member of the legislature or caucus, the matter was investigated independently. And upon conclusion of the investigation, the investigation file was referred out of province — in most cases to the province of Alberta — so it could be looked at independently.

I’m surprised that the member would actually ask this question because that’s exactly what happened in this particular case. It’s exactly what happened earlier with the matter that rose prior to the last election, Mr. Speaker, and the process was followed. I think it’s imperative for members of the public to have confidence in the members of the legislature. And in fact, Mr. Speaker, justice must not only be done; it must be seen to be done. And the absolute independence must be maintained.

**Some Hon. Members:** — Hear, hear!

[10:30]

**The Speaker:** — I recognize the member from Saskatoon Meewasin.

**Mr. Quennell:** — Exactly, Mr. Speaker, and I think the Minister of Justice knows the answer to my question. I’m not sure the people of Saskatchewan believe that the members of the Saskatchewan Party are being entirely co-operative on this matter. Last year on May 1, the now Deputy Premier had this to say when the documents came into the Saskatchewan Party’s possession, quote, “The information has come into our possession during this legislative session that we are in this spring.”

But it turns out the Deputy Premier had trouble counting, Mr. Speaker, because after the police started their investigation, the now Premier came out and he had this to say, quote, “. . . I don’t know the exact date, but I believe it was April of 2006.” So the Deputy Premier said the documents were obtained in 2007, and the Premier said they were obtained in 2006.

Who was telling the truth, Mr. Speaker? And what did the Sask Party tell the police when they investigated this matter?

**Some Hon. Members:** — Hear, hear!



**The Speaker:** — I recognize the government House deputy leader.

**Hon. Mr. Krawetz:** — Thank you, Mr. Speaker. Mr. Speaker, last year on May 8, 2007, in an interview that I gave with CJME, I answered this way, and I'll repeat. I quote, "Our chief of staff had in fact received the brown envelope a while back in the spring of 2006." Mr. Speaker, I put that on the record on May 8, 2007, almost a year ago. Mr. Speaker, the envelope was in the mailbox of the chief of staff at his home.

We have communicated that information to the police. We have co-operated fully, unlike that former government who had to admit, had to admit that for 16 years they failed to tell the people of Saskatchewan about a fraud activity, Mr. Speaker. That's the reality, and that's the truth about that former government.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Saskatoon Meewasin.

**Mr. Quennell:** — Yes, Mr. Speaker, the Deputy Premier has had two different stories on this. His first story was it was found in the spring of 2007. A later story said it was found in spring of 2006. His first story it was found in a brown envelope in the caucus office. The second story it's found in a brown envelope in the caucus director's mailbox.

To the Deputy Premier: when was he telling the truth? Did the documents arrive in Reg Downs's mailbox? Or did they arrive at the caucus office as he once said? And what did the Sask Party tell the police when they investigated this matter? And how does the Sask Party explain the media being misled?

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the deputy leader.

**Some Hon. Members:** — Hear, hear!

**Hon. Mr. Krawetz:** — Thank you, Mr. Speaker. Mr. Speaker, the very first time that I had questions in a scrum in the rotunda, I didn't have all the information as to when that package was there. And I did state that I thought it had just been received within our caucus office. Mr. Speaker, that was not fact. And in fact very shortly I met with the media and I said no, that is not true, that in fact the envelope came into our hands in the spring of 2006, Mr. Speaker. I clarified that.

Mr. Speaker, I want to put on the record what the former government did back in 1994, and it states this. The report also said that on September 20, 1994, quote: "Lorjé advised that it was the intention of caucus to conceal the fact that Lord had committed the fraud."

Mr. Speaker, that was an admission by that former government that in fact fraud had occurred and they were going to conceal it, Mr. Speaker. That is the position that they took. Our position was to co-operate fully with the investigation and with police.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Saskatoon Fairview.

### Essential Services Legislation

**Mr. Iwanchuk:** — Thank you, Mr. Speaker. Last week we learned that not only does the emperor not have any clothes, but he's also not wearing any underwear.

The Minister of Labour has been telling members of the public for months that his essential services legislation is moderate and middle of the road. Well guess what, Mr. Speaker? The minister was asked point-blank by reporters on Monday whether there were any jurisdictions in Canada with the broader definition of who would be deemed essential services. The minister adopted his patented deer-in-the-headlights look and admitted he couldn't answer the question.

He's now had a weekend to study up. Can the minister now tell us if any Canadian jurisdiction has broader legislation? And can he explain why we'd even believe him at this time?

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the Minister Responsible for Advanced Education, Employment and Labour.

**Some Hon. Members:** — Hear, hear!

**Hon. Mr. Norris:** — You know, Mr. Speaker, I can't speak to the wardrobe questions that the member opposite is referring to. But, you know, Mr. Speaker, I think probably the question may be better posed to one of his colleagues, to the member from Moose Jaw Wakamow, because apparently she had a discussion last week, Mr. Speaker. In fact she apparently chatted with Mr. John Boyd, Mr. Speaker. And you know, Mr. Speaker, when she asked apparently if the legislation is moderate, Mr. Boyd indeed said, yes it is.

So, Mr. Speaker, what we can't figure out is, is there such disarray or disorganization on that side of the House that they're not communicating with one another, Mr. Speaker, about the moderation of this Bill.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Saskatoon Fairview.

**Mr. Iwanchuk:** — Thank you, Mr. Speaker. Last fall the NDP [New Democratic Party] asked the Minister of Labour whether teachers, police officers, firefighters, and other sectors would fall under his essential services Bill. The minister's response, he immediately accused the NDP of inciting unnecessary fear, but it turns out that the fear was well founded. Either the minister has no idea who will be included in the essential services regulation or he's just not telling.

To the minister: will he table his regulations and finally put to rest the question of who, who is in and who is out?

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — Order, order. Before I call on the minister, I just want to remind members that when they're placing the question, place it through the Chair. Minister Responsible for Advanced Education.

**Some Hon. Members:** — Hear, hear!

**Hon. Mr. Norris:** — Mr. Speaker, obviously the essential service legislation that Saskatchewan is moving forward on, catching up with the rest of the country, Mr. Speaker, has four key criteria, Mr. Speaker, and that is we can look at ensuring the protection of life; we can ensure the protection of property, Mr. Speaker; ensure the protection of the environment; and ensure the operation of the courts, Mr. Speaker. Those are the core elements of this, Mr. Speaker.

From there, Mr. Speaker, we went out. We had consultations, Mr. Speaker, and as a result of that, we heard some very compelling cases about how some other organizations, for instance community-based organizations, in fact want to be included under this legislation. During the NSBA's [North Saskatoon Business Association] presentation last week, what we did see is an individual come forward and ask specifically that a community-based organization that looks after those with, with severe disabilities actually be, be covered under this legislation.

The key question remains, Mr. Speaker, are the members opposite going to be voting in favour of essential service legislation . . .

**The Speaker:** — Member's time has elapsed. I recognize the member from Saskatoon Fairview.

**Some Hon. Members:** — Hear, hear!

**Mr. Iwanchuk:** — Mr. Speaker, I'm glad the minister was listening when he attended the NSBA function and also that many of his stakeholders who he has said are calling on public consultations. But, Mr. Speaker, on Thursday afternoon while the minister was dodging questions in the rotunda, some of his colleagues might have let the cat out of the bag. Under questioning in the Committee of Intergovernmental Affairs and Justice, the Minister of Tourism told the NDP that 45 officials would be deemed essential. In the Economy Committee, the Minister of Energy and Resources explained that “. . . all areas of the government are looking through to determine whether or not the essential services legislation would have any impact upon that particular ministry.”

To the minister, we have asked him to table his regulations; he refused. Can he at the very least tell the people of this province which civil servants are deemed essential?

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the Minister Responsible for Advanced Education, Employment and Labour.

**Some Hon. Members:** — Hear, hear!

**Hon. Mr. Norris:** — Well, Mr. Speaker, the people of this province can know that in fact we're going to make sure that if

snowstorms are coming, that the highways are cleared. We're going to make sure that if there's a strike at the University of Saskatchewan or elsewhere, that parents can take their kids to get the medical treatment that they need. That's what we're going to be doing.

And, Mr. Speaker, we're going to ensure that our legislation, which again we have not seen that the members on that side actually have any statement whether they're going to be supporting or not . . . Mr. Speaker, as we look across Canada, we see that every province in Canada either has it in place or has it tabled. Mr. Speaker, what we need to do is we need to ensure that the public safety is guaranteed in Saskatchewan and at the same time it's balanced with the right to strike.

What we can say, Mr. Speaker, is that in some provinces, Mr. Speaker, the right to strike has been taken away, and that's one of the key criteria where we can turn and say, this is a very moderate of legislation, Mr. Speaker.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Saskatoon Fairview.

**Mr. Iwanchuk:** — The Minister of Labour has spent four months explaining that he doesn't need to send Bills 5 and 6 to public hearings because they are meant simply to bring Saskatchewan to the Canadian norm. It turns out now that he's not so sure. He still can't really tell us how his legislation compares to other jurisdictions. He still can't say who's in and who's out, and he has shown over and over again that he can't answer simple questions about his own legislation. The members opposite, once so quick to call for public consultations, have now fallen silent.

To the minister: why won't he clear up the confusion? Why won't he finally agree to follow the Minister of Agriculture's lead and hold public hearings on such a vital issue?

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the Minister Responsible for Advanced Education, Employment and Labour.

**Some Hon. Members:** — Hear, hear!

**Hon. Mr. Norris:** — Mr. Speaker, the key question is as we look at the essential service legislation, Mr. Speaker, will the members opposite be voting for or against it, Mr. Speaker? And you know, Mr. Speaker, as we look at some of the recent campaign contributions to individual members, Mr. Speaker, \$281,000 to members opposite, Mr. Speaker. Perhaps that number offers us greater insight to the opposition to this Bill than anything that's being asked, Mr. Speaker.

**Some Hon. Members:** — Hear, hear!

#### MINISTERIAL STATEMENTS

**The Speaker:** — I recognize the Minister of Justice. Order. I recognize the Minister of Justice.

**Volunteers Recognized During  
Victims of Crime Awareness Week**

**Hon. Mr. Morgan:** — Thank you, Mr. Speaker. I'm pleased to rise today to inform this House that April 13 to 19 is Victims of Crime Awareness Week in Saskatchewan. This year's theme is Finding the Way Together.

Victims of crime and traumatic events can feel lost and unable to cope with what has happened to them. Many need help in finding their way in the criminal justice system. Mr. Speaker, we have many dedicated people working in victims services programs across our province and who have been here to help their victims find the way.

Victims services helps victims involved in the criminal justice system in Saskatchewan by providing a range of programs and services throughout the province. These include the victims compensation restitution program, specialized victims services programs that focus on assisting victims of domestic violence or sexual assault, Aboriginal family violence programs, the victim impact statement program, the victim witness programs that are available at regional prosecution offices, and police-based programs that are available to approximately 87 per cent of Saskatchewan's population.

Victims of Crime Awareness Week is our opportunity to recognize the important contribution of the more than 300 caring victims services volunteers that operate out of 18 police-based programs in our province. These individuals play a key role to ensure that victims of violent crime receive information and support immediately after a crime and throughout the criminal justice process.

Mr. Speaker, I'm honoured to stand in the House today and recognize the following individuals who have provided 15 years of volunteer service to victims services programs in Saskatchewan: Linda Anweiler, Jean Carroll, Barry Shillington, and Rob Quayle, all from Saskatoon, as well as Gerry Pepler from Yorkton. These people have been involved in the program since its inception 15 years ago and have played an important role in the growth of the program.

Mr. Speaker, it's also my privilege to recognize volunteers who have provided 10 years of service. They are Susan Resler of Bienfait, Kathy Button of Carrot River; Lynn Baillie, Lucille Rezansoff, and Anita Klochko of Kamsack; Doug Haroldson of Maple Creek, Diane Petkau of Meadow Lake, Brenda Nicholls and Peggy Johnson of Moose Jaw, Margaret Minski of North Battleford; Pat Norten-Stoutonburg, Prudence McKenzie, Jacquie Dobrowolski, Audrey Neubuhr, and Rhonda Durand, all of Prince Albert; and Andrea Staples and Jean Homstol of Tisdale. All of these dedicated volunteers have given their time and energy in their communities, supporting victims in programs throughout the province.

[10:45]

Mr. Speaker, a little bit later today I will have the opportunity to join a number of these volunteers and present them with gifts commemorating their 10- and 15-year anniversaries of service to Saskatchewan.

Mr. Speaker, I will ask all members to join me in expressing our sincere appreciation of these very dedicated individuals and to all of our victims services volunteers for their many years of service to the people of their communities. I thank you, Mr. Speaker.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Regina Lakeview.

**Mr. Nilson:** — Mr. Speaker, it's a pleasure to join with the Minister of Justice in congratulating the individuals who are here today as volunteers but also to go through our annual recognition of the victims services program in the province in a very formal way.

I think in all of our communities across this province, individuals are acknowledging the victims services program as they use it on a day-to-day basis. And, Mr. Speaker, I know that my predecessor, Mr. Mitchell, who started this program, and then all of the number of years that I worked with this, and then the people who succeeded me as attorney general — all of us felt this was an extremely important program that went out and worked carefully with the police and the court systems and the people in the local communities.

And it would not have worked at all if we did not have the volunteers that we have in the program today. And so anything that we can do as members of the legislature to affirm all of these people in our local communities, I strongly suggest that we all do that because we never know who of our family or friends may require some of the calm, careful, patient advice from the victims services people when something fairly bad happens to them.

So I want to say thank you very much on behalf of all of the people of Saskatchewan to the administrators of the victims services program and especially to the volunteers who work right across the province.

**Some Hon. Members:** — Hear, hear!

## INTRODUCTION OF BILLS

### **Bill No. 27 — The Alcohol and Gaming Regulation Amendment Act, 2008/Loi de 2008 modifiant la Loi de 1997 sur la réglementation des boissons alcoolisées et des jeux de hasard**

**The Speaker:** — I recognize the Minister Responsible for Government Services.

**Hon. Mr. D'Autremont:** — Merci, Monsieur le Président. Je propose Projet de Loi n° 27, Loi modifiant la Loi de 1997 sur la réglementation des boissons alcoolisées et des jeux de hasard, modifiant la loi intitulée The Alcohol and Gaming Regulation Amendment Act, 2002 et modifiant la Loi de 2005, modifiant la Loi de 1997 sur la réglementation des boissons alcoolisées et des jeux de hasard.

[Translation: Thank you, Mr. Speaker. I move that Bill No. 27, An Act to amend The Alcohol and Gaming Regulation Act,

1997, to amend The Alcohol and Gaming Regulation Amendment Act, 2002 and to amend The Alcohol and Gaming Regulation Amendment Act, 2005.]

I move that Bill No. 27, An Act to Amend the Alcohol and Gaming Regulation Act, 1997, to amend The Alcohol and Gaming Regulation Amendment Act, 2002 and to amend The Alcohol and Gaming Regulation Amendment Act, 2005 be now introduced and read the first time.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — The Minister of Government Services has moved first reading of Bill No. 27, The Alcohol and Gaming Regulation Amendment Act be now read the first time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**Clerk:** — First reading of this Bill.

**The Speaker:** — When shall the Bill be read a second time?

**Hon. Mr. D'Autremont:** — Session prochaine. [Translation: Next sitting.] Next sitting of the House.

**The Speaker:** — Next sitting.

#### **Bill No. 28 — The Vital Statistics Administration Transfer Act**

**The Speaker:** — I recognize the Minister Responsible for the Crown Corporations.

**Hon. Mr. Cheveldayoff:** — Mr. Speaker, I move that Bill No. 28, The Vital Statistics Administration Transfer Act be now introduced and read a first time.

**The Speaker:** — It has been moved by the Minister Responsible for Crown Corporations that first reading of Bill No. 28, The Vital Statistics Administration Transfer Act be now read a first time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Agreed. Carried.

**Clerk:** — First reading of this Bill.

**The Speaker:** — When shall the Bill be read a second time?

**Hon. Mr. Cheveldayoff:** — Next sitting of the House, Mr. Speaker.

**The Speaker:** — Next sitting.

#### **Bill No. 29 — The Education Amendment Act, 2008/Loi de 2008 modifiant la Loi de 1995 sur l'éducation**

**The Speaker:** — I recognize the Minister of Education.

**Hon. Mr. Krawetz:** — Thank you, Mr. Speaker. Mr. Speaker, I

move that Bill No. 29, The Education Amendment Act, 2008 be now introduced and read a first time.

**The Speaker:** — It has been moved by the Minister of Education that first reading of Bill No. 29, The Education Amendment Act, 2008 be now read a first time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Agreed. Carried.

**Clerk:** — First reading of this Bill.

**The Speaker:** — When shall the Bill be read a second time?

**Hon. Mr. Krawetz:** — Next sitting of the House, Mr. Speaker.

**The Speaker:** — Next sitting.

#### **Bill No. 30 — The Statutes and Regulations Revision Act**

**The Speaker:** — I recognize the Minister of Justice.

**Hon. Mr. Morgan:** — Thank you, Mr. Speaker. Mr. Speaker, I would move that Bill No. 30, The Statutes and Regulations Revision Act, be now introduced and read a first time.

**The Speaker:** — The Minister of Justice has moved first reading of Bill No. 30, The Statutes and Regulations Revision Act. Is the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Agreed. Carried.

**Clerk:** — First reading of this Bill.

**The Speaker:** — When shall the Bill be read a second time?

**Hon. Mr. Morgan:** — Next sitting of the House, Mr. Speaker.

**The Speaker:** — Next sitting. I recognize the Government House Leader.

**Hon. Mr. Gantfoer:** — Thank you, Mr. Speaker. Before orders of the day, with leave, to introduce a point of order.

**The Speaker:** — The Government House Leader has asked for leave. I'm informed he doesn't need leave. You can . . .

#### **POINT OF ORDER**

**Hon. Mr. Gantfoer:** — Thank you very much, Mr. Speaker. On Thursday last during the 75-minute debate, there was a question put to the member from Saskatoon Eastview by the Minister of Health.

And in the member's response the member said the following, among other things, referring to the Minister of Health: "If he drives," and I quote, "If he drives down 20th Street, if he's only looking for Liquor Board stores, that's a comment on his capacity, not ours."

And further in that debate, in response to a question by the member from Batoche, the member from Saskatoon Eastview also said and I quote: "I guess the members in the Sask Party only are interested in liquor stores."

Mr. Speaker, I believe that these kinds of comments are unfortunate and they make implications on the character of members in this House. And I would ask that member to withdraw those remarks and apologize.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the Opposition House Leader.

**Mr. Taylor:** — Thank you very much, Mr. Speaker. I appreciate the opportunity to rise to provide some advice on the point of order. The member opposite had not provided me with an indication of what his point of order might be today and I appreciate that.

I listened carefully to what his point of order was and, Mr. Speaker, I think you have no choice in this matter but to rule that in fact the exchange that took place was an exchange of debate. What the member said can be argued, and the members opposite are in fact arguing the point. Mr. Speaker, I suggest to you that in fact there is no point of order here, and the Legislative Assembly should go back to its normal business for the day.

**The Speaker:** — I thank the Government House Leader for raising the point of order and the Opposition House Leader for a response. And given the fact that I believe the Speaker needs to do further in-depth review, and review the comments before making a recommendation that would be deemed suitable to the House. So the Speaker will review the comments and come back with a response to the point of order.

## ORDERS OF THE DAY

### GOVERNMENT ORDERS

### ADJOURNED DEBATES

### SECOND READINGS

#### Bill No. 5

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Norris that **Bill No. 5 — The Public Service Essential Services Act** be now read a second time.]

**The Speaker:** — I recognize the member from Saskatoon Meewasin.

**Mr. Quennell:** — Thank you very much, Mr. Speaker. I think early speakers on this Bill — which I'm clearly one, Mr. Speaker, of the earliest speakers on this Bill — have a couple of difficulties. First of all, there is a crying need in the case of Bill 5 — if no other Bill but certainly Bill 5 — for public hearings, Mr. Speaker, and the public itself feels this need. Various community groups are holding informal discussions, inviting speakers to address them, and we heard about one of those discussions in a member statement today.

This is a Bill that has been described as among the broadest in the country in the case of essential services, and not by members of the opposition alone in any case, Mr. Speaker, and not by the labour movement alone, Mr. Speaker, but by officials of the ministry responsible. Officials of the Government of Saskatchewan have said that this is the broadest, or amongst the broadest piece of legislation in the country.

This is not a debate, Mr. Speaker, about essential services. We have had back-to-work legislation in the province of Saskatchewan. It's been brought in by Conservative governments. It's been brought in by Liberal governments. It's been brought in by New Democratic Party governments.

Sometimes services are deemed to be essential, Mr. Speaker. They are essential and they have to be performed and they cannot not be performed because there is a work stoppage or there is a labour disagreement at the time. That's almost not a debatable principle, Mr. Speaker. It certainly can't be debated by, seriously, by any party that's formed the government in this province because all those parties in government have had on occasion, when necessary, when pressed by necessity, to bring in what's called back-to-work legislation that recognizes that certain services are essential. And some services that are not essential perhaps in July are essential in February, Mr. Speaker, which the Minister of Labour, I think, needs to recognize when he continues to resist the call for public hearings.

And he did that again today in question period, Mr. Speaker, and he did so because well, Mr. Speaker, we wouldn't want to have somebody killed by a blizzard on a public highway in Saskatchewan because we didn't have essential services legislation. Well that's never been the choice, Mr. Speaker. The choice is quite different than that because we have not had essential services legislation, Mr. Speaker, in the past. We have not had it and yet we have had the ability to either negotiate, and where we cannot negotiate, order back people to work where required.

I was minister responsible for SaskPower in 2003, 2004. We were in negotiations as a Crown with the employees, particularly the electrical workers in SaskPower. Every now and then somebody, I think on the labour side, would raise the spectre of a work stoppage because the Crown management in their view wasn't negotiating seriously. And the press would come to the minister and say, what's going to happen if there's a strike at SaskPower?

And I would always say, on every single occasion, that the people of Saskatchewan can be assured that . . . And they know the history, Mr. Speaker. They know the history of what happens when there's a work stoppage of electrical workers at SaskPower. The people of Saskatchewan can be assured that the lights and heat are going to stay on.

Now I don't think that the leadership of IBEW [International Brotherhood of Electrical Workers] particularly liked those comments. As a matter of fact I know they did not, Mr. Speaker. They didn't particularly like those comments, but they reflected the reality of the situation, Mr. Speaker, is that this legislation isn't necessary for a government to fulfill its responsibilities to keep the light and power on. Nobody doubted the resolve of the previous government and the resolve of the

minister, who happened to be me at the time, to ensure that that was the case, Mr. Speaker.

We do not need sweeping legislation that enables a government to deem anybody an essential service by regulation, which is what this legislation appears to do, Mr. Speaker. The Minister of Labour shakes his head no from his chair, but that's not exactly on the record, Mr. Speaker. And he could put himself on the record on that kind of point at public hearings — which takes me back to his argument against public hearings.

[11:00]

While we are dithering, while we are dithering over this legislation, and because we have no other tools . . . Now, Mr. Speaker, we clearly have other tools. They have been used. They have been used in the past and they could be used again. But while we are dithering over the summer, discussing what is meant by the most broad legislation in the country, somebody might be killed by a blizzard in July. That is the Minister of Labour's serious contention.

Perhaps that was a danger . . . Although it wasn't really a danger because that contract wasn't going to come up this winter, and it is not going to come up next winter either, Mr. Speaker. But while the government declined to take an opportunity to debate this legislation in December or to discuss it at public hearings over the winter, I guess we had a few blizzards, Mr. Speaker, and we may actually have a blizzard or two before they can possibly hope to pass this legislation and enact it. But by the time that public hearings would be taking place, Mr. Speaker, well we've never had a blizzard in July yet.

And there's obviously a desire on the part of not just labour because they did not hold that discussion that was referred to in the member's statement earlier — that was held by a business association — obviously a desire to discuss what this legislation means and to learn what it means.

And ministers who ask, with the exception of the Minister of Tourism who actually had a number — so I can't believe other ministers don't have a number — the Minister of Tourism had a number of people in her ministry who would be affected by this legislation. She said, in estimates, 45. Other ministers claim not to have a number. Well that's even more telling if it's true, Mr. Speaker. Ministers don't know how this legislation affects their ministries, Mr. Speaker. That review hasn't taken place yet. They don't know or they won't say.

Well if they don't know, Mr. Speaker, how do municipalities know how this legislation affects them? How do other organizations that might be deemed to have essential services — as now almost any organization in the province can be, Mr. Speaker — know how this legislation affects them? The government hasn't allegedly, purportedly, supposedly conducted their review, with the exception of one fairly forthright minister in estimates who says, well I know the number; it's 45.

So the first problem with debating this Bill for an early speaker — and I think I'm the first speaker on the opposition side to address the Bill — is that the government doesn't want the public to know what the Bill means and we haven't had the

public consultation, public hearings, that people might expect that we would have, Mr. Speaker.

The second issue for an early speaker on this Bill, and perhaps any speaker in the House, Mr. Speaker, is this: the government has indicated that there'll be changes to the Bill, but no one outside government has been told what these changes are. So it's my responsibility to stand up, Mr. Speaker, and speak about a proposed piece of legislation, but this is not the legislation the government intends to pass, supposedly.

One of the other things that the minister says, while providing information to the policy community and the continuum of dialogue and raising key questions as he does, one of the things that he says in response to criticism of the Bill, Mr. Speaker, is, well we're going to be making amendments. So you can believe or hope that whatever concerns you have about this Bill will be addressed by our amendments, but we're not going to tell you what the amendments are.

So cold comfort, Mr. Speaker, I think, to say that, well this is not the legislation that we're actually wanting to enact; that's different legislation than the legislation that we've actually put in the front of the legislature.

Mr. Speaker, what the government should responsibly do — and I appreciate that we've had a long debate about their inability to manage their legislative agenda — but what the government should responsibly do is withdraw the legislation that they don't intend to enact, and introduce legislation that they do intend to enact, and consult the public about that legislation, Mr. Speaker.

And, oh well we have no time for that, would say the Minister of Labour. We have this urgent danger of a blizzard in July and we can't possibly do that. But in fact they could, Mr. Speaker. If they want to acknowledge that they've overreached, that the legislation is overly broad — which they seemed to have wanted to imply by suggesting that they have amendments — then they should bring forward the actual legislation.

And instead of making this a debate or trying to make this a debate about what it cannot possibly be, and that is whether there are services that are essential that must carry on during work stoppages, and as I said, Mr. Speaker, no one's going to debate that.

NDP governments have had a history of sending people back to work when they were performing essential services. But a member opposite asks what I'm going to vote for.

Well, Mr. Speaker, nobody wants to tell anybody what this is. Nobody wants to be forthright about how many government employees are affected. Nobody wants to be forthright about what amendments are proposed. Nobody wants to be forthright, I think, about why they want this legislation to be passed this spring, why it cannot wait for public hearings, but I think I'll come to that.

The government's reply that the principles of the legislation are to be debated and second reading is just for that purpose is really no real response because the principles of the legislation go to its breadth. Is everybody . . . Is it a matter of principle that

anybody who works in the province of Saskatchewan working essential service? Is that the principle in this legislation?

That may appear to be the principle in this legislation, Mr. Speaker. The government doesn't really intend that. Well there needs to be some clarification and there needs to be some discussion about what the government's actual intent is.

That no one's life should be endangered because of a work stoppage is not really debatable, Mr. Speaker. That is not the principle up for debate. The principle that's up for debate is not motherhood and apple pie, Mr. Speaker, it is real issues, and it is a set of principles around the extent of government power.

And I would return just briefly by allusion, Mr. Speaker, to the debate that we had about the government's unilateral change of the rules. It's really about the extent of the power of the government in respect to the power of the legislature, at least in part, Mr. Speaker. Here we have a piece of legislation that is so broad, that could include anybody, Mr. Speaker, and who is touched and when they are touched is therefore determined by regulation which is therefore determined by cabinet — which is not debated in this legislature.

If, Mr. Speaker, a strike had taken place in 2004 by IBEW, and had been necessary to send them back to work, and that had been felt to be necessary by the members of the legislature, and that had happened, Mr. Speaker, that would have been debated, that specific back-to-work legislation would have been debated in this legislature by members of the government, by members of the opposition, by all members of the Legislative Assembly, whether that was essential — who had to be sent back, how many, and which specific individuals had to go back to work.

That will never be debated again, as I understand the legislation that's before us. Cabinet will meet and decide, oh these people are an essential service — back to work. These people are an essential service — back to work. No legislation saying, well we don't just mean police officers. We don't just mean firefighters. We don't just mean health care workers. We mean whoever we think we can send back to work today by cabinet order. Not to be debated in the legislature. Not to be discussed in public.

And again centralizing power in the government and the balance of power between the government and the legislature is one issue, Mr. Speaker. Balance of power between government as management and its employees is another, Mr. Speaker, and I think maybe we start to get to some of the government's motivation around this Bill.

But for the sake of centralizing the power in the government to declare anybody essential — you know, zap you're essential; zap you're essential; zap you're essential by government order — in order to have that power, Mr. Speaker, we now have, before they do that, before they do that they have set out the legislation, but no discussion in the public about how this is actually going to work. And the government does not want the benefit of any public discussion about how this is going to work, Mr. Speaker. They're going to have a complex and time-consuming designation process. And if that doesn't work, well then the employer — and particularly the government employer — zap you're essential. Zap you're essential, Mr.

Speaker.

If they believe that that is not how it works, Mr. Speaker, there are people out there who certainly do. And if they really want, if they really want people to be protected from that abuse of power, maybe they should go to people and ask them, what would you see as actual, real protection against that exercise of government power, Mr. Speaker? But that's the last thing they want to do. They are doing everything around how this legislature debates this matter to avoid that discussion. And it appears, Mr. Speaker, that they will be successful in doing that.

Now how does the legislation that the government is actually going to propose at some point in time — I suppose when this matter gets to committee, Mr. Speaker — affect these same principles? And does it do it as effectively in the same way? Is it an improvement over what we've now seen? Well, Mr. Speaker, we don't know.

We don't know what the proposed amendments are. We don't know what the changes are. We've heard talk about them for some good deal of time, but we're being asked to debate this matter in a vacuum nonetheless. I could probably spend more time discussing provisions of Bill 5, which I will later learn the government is no longer committed to, Mr. Speaker, or the government's not committed to them. Tell me now, Mr. Speaker. Tell me now, and I won't spend the time in this legislature debating matters that are set out in the Bill that in fact the government does not propose to proceed with.

In fact it is now clear that the government now knows what amendments they will propose, or is not clear that they actually know. I mean it's talking about amendments, but it's not clear they actually know what they are. Maybe some of them know, but the Minister of Labour doesn't know what they are.

We proceeded that way in the past, Mr. Speaker, where it's become clear decisions have been made, but the minister responsible hasn't yet been told what they are, Mr. Speaker. And that may be why the Minister of Labour is not forthcoming on what the changes are. He is still, weeks after this legislation has been introduced, waiting for his briefing on the changes.

But the government should not suggest the legislature cannot discuss these provisions of a Bill because those provisions may or may not continue to be there. The government cannot insist, as the government has, that the only debate be essentially, if you will pardon the pun, Mr. Speaker, on the the title of the Bill.

But that's the position that they put members of this Legislative Assembly in, Mr. Speaker, where really we have the title of the Bill, and the Minister of Labour will only defend this. He'll only defend the concept that there are essential services and those essential services should continue despite a work stoppage. That's his only defence of the Bill, and that's what he says the debate's about, and that's what he says the vote's about. And that is not true, Mr. Speaker, because that is simply not debatable that there are essential services and that they should continue at least soon after a work stoppage, that they should be re-continued at . . .

**The Speaker:** — Order. Order. I'd just like to remind members,

when a member's on their feet, I know that other members have the desire to communicate with each other. But if we could just tone down and talk a lot quieter, it'd be a lot easier to hear the member who has been recognized presenting, making their speech or their comments to the Assembly. So if members could keep that in mind, that'd be greatly appreciated. Thank you. Member from Saskatoon Meewasin.

**Mr. Quennell:** — Thank you, Mr. Speaker. The only responsible course of action for a government — that now appreciates that the Bill needs substantial amendments, the Bill is overly broad, and a government that might remain unsure as to what their amendments are — is to withdraw Bill No. 5 and to write a Bill that the government will stand by and therefore a Bill that we can legitimately debate in the legislature.

Unless the government seriously believes that someone might be killed by a blizzard in July, as the Minister of Labour alluded to, the government should withdraw the Bill it no longer supports, Mr. Speaker. The government simply wants to be able to order nurses back to work this spring; then, Mr. Speaker, the government should say so. If that's what the legislation's about is — the ability to order the nurses back to work without having to recall the legislature to do so — then the government should say so, Mr. Speaker. The government should be honest about the purpose for this Bill. But if this legislation is about larger issues, then the government should withdraw this Bill and bring the Bill forward that they are willing to support, not just in committee but in second reading, Mr. Speaker.

[11:15]

I want to cite a bit of a comment that was made about Bill No. 5 on April 11, Mr. Speaker. All these comments are from *The StarPhoenix*, and I'll try to attribute the comments to the correct person. They're in a number of different articles and columns.

Mr. Mandryk, who writes for the *Leader-Post* and *The StarPhoenix*, had this to say about the Bill that's currently before the House, Bill No. 5, and I quote:

People smarter [than I am] on these matters . . . insist that free collective bargaining is far better served when there are no intervening government restrictions. In British Columbia, for example, observers say essential services legislation has, demonstrably, caused longer strikes — especially in . . . [the health care sector], where there have been lockouts by employers and unions choosing to strike because they know their members will [continue to] work while others viewed as non-essential walk the picket line. Moreover, the union hostility that essential services legislation has now stirred up is about the last thing the Saskatchewan government needs when it's trying to attract health professionals such as nurses.

End quote, Mr. Speaker. And here in Saskatchewan, we have a government that could have looked at the effect of essential services legislation across the country and said, well you know essential services legislation has actually proven to be a barrier to growth, and the government doesn't like barriers to growth. You think they would have looked at that, Mr. Speaker, but no. The conclusion is if essential services legislation causes longer strikes in British Columbia, then we need something even more

far-reaching in Saskatchewan, Mr. Speaker. It sort of belies . . . it defies understanding as to how they can arrive at that conclusion.

Mr. Mandryk goes on to say, quote:

We were also one of two jurisdictions that didn't have legislated essential . . . [services] because the NDP government's position . . . [the Saskatchewan Party's stated position before the election was similar] was that these were issues best worked . . . [out by negotiators for both parties] at contract time.

And in fact that was the position of the New Democratic Party. That was the position of the Saskatchewan Party. Neither of those parties took the position that essential services didn't exist. There was no such thing as essential services. And neither of those parties ruled out back-to-work legislation when it was necessary. Both the Conservative Party, when it was in power, and the New Democratic Party sometimes found, reluctantly, that such things were required.

Saskatchewan is not, according to Mr. Mandryk, the only jurisdiction without essential services, but I will concede that it is relatively rare in the country. And the reason that that is the case, Mr. Speaker, well it just sounds so gosh darn good. It just does. I mean, the Minister of Labour makes his point. I mean, how can you be against it? I mean, next to motherhood and apple pie, how can you be against essential services? I mean, isn't it just the most sensible thing that, you know, if you have a blizzard, you don't want everybody that clears the highways off on strike, even in a July blizzard the Minister of Labour obviously believes in. You don't want everybody off on strike and somebody getting killed on the roads. Well who can be against that?

So you can understand how jurisdiction after jurisdiction after jurisdiction, even jurisdictions that don't want to use it and don't ever use it, find themselves with essential services legislation. And then the clear following question that comes after that is, well how could you possibly repeal essential services legislation? Even essential services legislation like British Columbia's, and I expect Saskatchewan's when we have this regime, actually make strikes longer. I mean, how can you be against essential services legislation? It's just so gosh golly darn good.

And that's why we're in this situation, Mr. Speaker, because it politically it sounds good. It's politics, Mr. Speaker, but there is no argument that's actually going to improve the growth climate in the province, which relies to a certain extent on labour peace, labour peace which I think the government thinks they can impose, but other jurisdictions have learned that you cannot, Mr. Speaker.

And it doesn't actually improve the provision of services as, say, the British Columbia experience has taught at least Mr. Mandryk, if it hasn't taught any member of the government. Mr. Mandryk goes on to say:

And despite the government's insistence that this essential service legislation will be "middle of the road", we also know this week (through the NDP's release of . . . [an



axed information response] it got through the Canadian Union of Public Employees) the labour ministry legal counsel described the legislation as “quite broad” and that a departmental policy director (who coincidentally, was let go in the January round of transition firings) wrote a note . . . [that called it] “likely the broadest application in Canada”.

End of the full quote, Mr. Speaker. So think what we had is a new government who got about 50 per cent of the vote, a little bit more, in the election, two-thirds of the seats in the legislature — let’s see how much we can get — and actually instructed somebody . . . It’s not clear to me who, Mr. Speaker. Until I see the side-by-sides on the legislation actually drafted by the Department of Justice, I won’t be convinced that it was actually the Ministry of Justice that did it. Until the government tables those, I’m not sure I believe that, Mr. Speaker.

But whoever drafted this legislation was told to draft the most broad, draconian, ham-fisted legislation in the country and see how much we have to back down, Mr. Speaker. I mean that’s clear. That’s clear. That’s what happened. See how much we have to back down, Mr. Speaker, and they’re trying to keep that by avoiding public hearings. By avoiding discussion on this Bill, they’re trying to keep the backing down on this to an absolute minimum.

On the same day in *The StarPhoenix*, April 11, 2008, Mr. Speaker, there’s an article by Angela Hall. And in that article, minister . . . Sorry Mr. Speaker, the Minister of Labour is quoted as saying, and I quote here, quote:

Advanced Education, Employment and Labour Minister Rob Norris continued to insist his government’s proposed essential services legislation is “moderate.”

However, the minister acknowledged that regulations . . . that will further determine the scope of the legislation may not be known until later this year.

So, Mr. Speaker, while I was saying that this legislation has the effect of giving the government the power to say, zap you’re essential, zap you’re essential, zap you’re essential, the Minister of Labour was, the Minister of Labour was shaking his head no, no, no, you’re wrong. But of course that’s exactly what he told *The StarPhoenix* on Friday, Mr. Speaker, or on Thursday for Friday’s paper. Again a quote from the article, quote:

The bill states government, Crown corporations, health employers, universities and SIAST and municipalities will be affected by the legislation.

But the government’s regulation making powers means the legislation could also apply to community-based organizations (CBOs), private nursing homes and private ambulance services.

Okay. Now again, Mr. Speaker, when I’m saying that the government by regulation, in cabinet, without ever coming to the legislature, can say, zap you’re essential, zap you’re essential, zap you’re essential — reach outside of health care, reach outside the police, reach outside of firefighters to community-based organizations, Mr. Speaker, the Minister of

Labour shakes his head, oh no, no, no, no.

Mr. Speaker, sometimes I wonder if the Minister of Labour knows what his Bill says. I mean maybe the value, maybe the value of public hearings or public consultations is the minister may not change anything in the Bill, but at least the minister might learn what the Bill says, which the minister clearly has not learned as of this date.

And then I quote from the same article:

Mary Ann Wellsch, director of legal policy and legislation in the Ministry of Advanced Education, Employment and Labour, said it’s difficult to say exactly how the scope of Saskatchewan’s essential services legislation stacks up against other provinces.

Mr. Speaker, the government doesn’t want to talk about how broad its legislation is. The government doesn’t know at this point in April, Mr. Speaker, how the legislation that they introduced in December, that they said they’d been working on for months and months and months — while the current Premier and the current Health minister were saying they were doing no such thing — the government today or at least Friday or at least Thursday of last week doesn’t know how this compares, they say, to legislation in other provinces, Mr. Speaker. Well I don’t think anybody needs public hearings more than the minister and his officials because they obviously don’t know what the legislation says, and they don’t know what effect the legislation will have. Or at least that’s what they say publicly, Mr. Speaker.

And if they’re in that situation, then I think they need to have some discussion. And they need to have discussions both with business and with labour and with community-based organizations and with private nursing homes and with private ambulance services, Mr. Speaker, with universities and with SIAST as to what this legislation means to them. The government doesn’t seem to know, so how can they possibly be advising?

Also on Friday April 11, 2008, in the Saskatoon *StarPhoenix*, concern expressed by the Saskatchewan Union of Nurses about essential services Bill. The government, I think, wants to deny that the urgency about this legislation is about improving their bargaining position with health care unions, and particularly with the Saskatchewan Union of Nurses. I think the leadership of the Saskatchewan Union of Nurses is a touch skeptical, Mr. Speaker, to say the least. In the article, which is by James Wood, I quote, “. . . another thorn in the union’s side is Bill 5, the essential services legislation, which the government plans to have passed, . . . [receive] royal assent and [be] in effect by the time the legislature’s spring sitting ends on May 15.”

Well, Mr. Speaker, we certainly know that. I mean the whole rules of the legislature were changed, so the government could effect that enactment, despite the fact that they could have done it if they’d just taken the advice of their officials on their legislative agenda.

I again quote from the article:

Government house leader Rod Ganteferer denied this week

the government's desire to get essential services legislation passed this spring had anything to do with the four major health-care contracts — SUN, CUPE, SEIU and SGEU — that expired at the end of March.

Well no of course not, Mr. Speaker. They're not concerned about the fact that they had these major union contracts expiring within the last few weeks. What they're concerned about, Mr. Speaker, is this blizzard in July. I don't know. Which is more credible, Mr. Speaker — the blizzard that the Minister of Labour keeps talking about or the fact that they are now in negotiations with major health care cost drivers and government cost drivers in this province?

The president of the Saskatchewan Union of Nurses, Rosalee Longmoore, isn't buying the Government House Leader's argument. And I quote:

Longmoore isn't buying that argument however.

While the union is hoping an agreement can be reached at the bargaining table, the bill does loom in the background.

While the union's goal has been to have a tentative deal in place by its annual meeting in late April, [quote] "clearly that is not going to happen," said Longmoore.

The article goes on to say, quote, "However, if an agreement isn't reached, the employer has the ability to designate essential employees, with the only recourse an appeal to the Saskatchewan Labour Relations Board."

Well I think SUN [Saskatchewan Union of Nurses] is starting to see a little bit of a strategy here, Mr. Speaker. And sometimes on this side of the House, well, they don't look all that strategic. They look a little bumbling. And I think SUN is starting to see a little bit of a strategy here, Mr. Speaker.

Well one of our first priority Bills has to be essential services legislation, and we have to get that passed. It doesn't matter what we have to do to the rules of the legislature or the rights of the opposition. We have to get that passed by May 15. And since that's going to be interpreted by the Labour Relations Board, well we have to get rid of the members of the Labour Relations Board that were hired by an open, competitive process and appoint somebody in whom we have absolute confidence on how they interpret the legislation — is already interpreting this legislation as if it was in effect, I think is what he has said. And just to be on the safe side, Mr. Speaker, we have to increase his salary by 50 percent.

So I think that, you know, SUN is starting to see a little strategy here. Maybe they're being a little bit suspicious, but time will tell. The article, and it goes on to say, and I quote,

Longmoore said the union believes the employer will designate almost all classifications and nurses as essential.

While SUN was one union that met with the government, she said public hearings should be held on the bill.

Well, Mr. Speaker, I'll only say in respect to that, that she is not alone.

[11:30]

The article then goes on to quote her:

"Our facts were presented. I would not characterize it as consultation. To me, consultation would have happened . . . before the legislation was ever introduced," said Longmoore.

And finally, Mr. Speaker — and this must be so comforting to the members of all unions, all workers in Saskatchewan outside of SUN — and I quote, "McMorris said again Thursday specific unions were not being targeted by the legislation." And that's my point — cold comfort that, Mr. Speaker. That's exactly my point. Zap, you're essential. Zap, you're essential. Zap, you're essential. Zap, you're essential. That's what the minister says. That's what the officials say. That's the effect of this legislation, Mr. Speaker.

Yes. So, Mr. Speaker, we have before us a Bill that the government itself, or at least the minister himself, doesn't seem to understand. And it reads differently than the minister holds out, that everyone, everyone — not just labour — wants and needs to see discussed. We have time to discuss it.

You know, if I hear the Minister of Labour one more time say, we need this legislation because we don't want anybody killed in a blizzard, well that gets a little bit more unrealistic as you get into May, Mr. Speaker. By the time this legislation's enacted, May 15, it isn't very realistic, Mr. Speaker.

And why we could not have public hearings this summer — as called for by the president of SUN and others — is completely unclear, except, except unless the president of SUN is right and this is all about being able to order her members back to work if they stand up for their rights in the negotiation with the government.

And you have to kind of have some sympathy with her position, Mr. Speaker. It's a lot more coherent than the story we're told by the Minister of Labour. I mean, the politicization of the Labour Relations Board and the changing of the rules of this legislature so they can get essential services legislation passed by May 15, you know, all works fairly well according to her theory and doesn't really do much to support the Minister of Labour's purported concern that we're going to have a blizzard in July.

So why not public hearings, Mr. Speaker? Well the government can't wait. The government can't wait. The government can't wait to hear from people. Why? Why won't they tell us what's in this legislation, Mr. Speaker? Well that's a little bit less clear. I suppose we'll find out from them eventually what this legislation actually means. But I'll be very surprised, Mr. Speaker, if they're willing to take away what they so clearly want. And that is, by cabinet order without ever discussing it again in this legislature, the ability to call any service provided by any person employed in the province of Saskatchewan an essential service deemed by the government to be so. That's what they don't want to lose. They don't want to lose that power, Mr. Speaker. That's a power they should not have.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Regina Dewdney.

**Mr. Yates:** — Well thank you very much, Mr. Speaker. I'm extremely pleased this afternoon or this morning, pardon me, to enter into the debate on this very important piece of legislation. Mr. Speaker, we're debating Bill No. 5, An Act respecting Essential Public Services.

Mr. Speaker, we have before us a Bill that has had very little or no consultation, very little or no debate in the public, and very few people actually understand the true depth and breadth that this legislation would undertake, Mr. Speaker. And there are many questioning today the need for such a broad, sweeping piece of legislation.

In fact prior to the election, prior to November 7, 2007, Mr. Speaker, members opposite didn't in any way articulate a need for such a sweeping legislation. In fact, Mr. Speaker, they said just the opposite, that such legislation wasn't needed prior to an election, Mr. Speaker. And that came from several members, but most notably two of the key members of the now Saskatchewan Party cabinet.

The former critic for Health and now the Minister of Health said, prior to the election, that there was no need for essential service legislation and no intent to move forward with such legislation. Now, Mr. Speaker, that comes from the Minister of Health — the minister that then he was the critic responsible for Health and now the Minister of Health — the area in which most notably the members opposite talk about when they talk about the need for essential services. It's odd that their then critic — the member from Indian Head-Milestone — the critic for Health, saw no need for essential services. In fact they had no intention to move forward with essential services, Mr. Speaker.

We also heard that same line of response from the then Leader of the Opposition, now the Premier. They, prior to an election, indicated very, very clearly that they saw no need for essential service legislation, Mr. Speaker. Well, Mr. Speaker, exactly days — just barely days — after an election, Mr. Speaker, we start to hear that one of their priorities would be essential service legislation, Mr. Speaker. Did we see, did we see any mention of essential service legislation in their platform? No, Mr. Speaker, we didn't. So did they put this important issue, what they say is such an important public issue — did they put it before the people for the people to pass judgment, Mr. Speaker? No, they didn't.

Did they say they'd do it before an election? No, they wouldn't say that, Mr. Speaker. So right off the bat, Mr. Speaker, that leaves a number of very serious questions about this particular piece of legislation, their desire not to speak about it before an election because they knew that there would be people who would obviously have strong opinions on this particular piece of legislation.

But, Mr. Speaker, what's even more detrimental to the process than not talking about it before an election and saying you wouldn't do it before an election and doing it immediately after an election, Mr. Speaker, is the fact that today we have a piece of legislation before us that hasn't had the opportunity to go for

broad public consultations — consultations with the trade unions of our province, consultations with the business community of our province, and, Mr. Speaker, even consultations with the academic community within our province.

Mr. Speaker, this particular piece of legislation will have difficulty being judged on its own merits because of the process that was used to get to this point. And, Mr. Speaker, whenever a piece of legislation is talked about prior to an election, and it's said, well no, it isn't necessary; it won't happen — and then happens immediately after election, of course there is suspicions around that piece of legislation.

When that piece of legislation is introduced in November and the members of the opposition are asking for it to go out for public consultations over December, January, and February, March, Mr. Speaker, and the government of the day refuses to send it out for public consultations, it adds even more scepticism to the process, Mr. Speaker.

And further, Mr. Speaker, when we then have a process in place where you can have debate in the legislature on the legislation — and again we're asking for public consultations — when the government moves to pressure that these Bills be pushed through in this session, Mr. Speaker, without all the debate and consultations that we as an opposition would like to be able to have with the stakeholders throughout the province, it even brings up more questions.

But, Mr. Speaker, it's kind of funny that, Mr. Speaker, that other people out there in the public, including the North Saskatoon Business Association, find the need to have public consultations, Mr. Speaker, to have public meetings talking about this legislation to allow people from the public to know about it.

Mr. Speaker, what we were asking for, as an opposition, was the opportunity to take this Bill out as part of one of our committees of the legislature — which incidentally has four members of the government and two members of the opposition on it — take this piece of legislation out for public hearings. Allow the people of the province — whether they be from labour, business, academic community, or just citizens at large — to make submissions to the committee about the legislation, about the intent, about the purpose of such legislation, and to take all those ideas, all that information back, Mr. Speaker, and then in the aftermath of such broad consultations, look at this piece of legislation and say, does it accomplish what we want to accomplish?

But, Mr. Speaker, one of the things we're not sure about is what this piece of legislation wants to accomplish because we've had a minister who has been very vague in what he will answer about this piece of legislation. He's been very broad in his answers. He won't answer specific information when asked about this piece of legislation. And in fact there is some question how well he actually understands it.

Mr. Speaker, it would appear that this piece of legislation wasn't drafted by the minister, his officials in the department, or for that matter, by the Department of Justice. Although we hear that it is, Mr. Speaker, we know that an outside lawyer was

hired by the Department of Labour, by the minister as a consultant shortly after the election, and it's our belief that this piece of legislation was drafted by that individual. It definitely has a flavour of that particular individual's bent on labour relations issues, Mr. Speaker, and we do know, from musings from others, that this piece of legislation had a great deal of influence by this individual; it was not written by this particular individual.

Mr. Speaker, we had an election on November 7, 2007. We had a change in government. This is one of the first Acts of the new government to indicate that they were going to move forward with this legislation. But, Mr. Speaker, they didn't take the opportunity they had from the period from November 20, 22 through . . . November 20, pardon me, when the fall session ended and this spring, which is about three and a half months, to take this piece of legislation and others — they may be very contentious, but at the same time may be very complicated and have a large number of stakeholders who'd like to have input into it — out for consultation so that then people would in fact have the ability to have input prior to the drafting and finalization of this very complex piece of legislation, Mr. Speaker. No, the minister and the government wouldn't afford the members of the opposition and the committee the opportunity to take this piece of legislation out for consultations.

Mr. Speaker, so what do we have? We have a piece of legislation that's going to restrict the ability of public service workers, health care workers, Crown corporation workers, and many others' abilities to strike, Mr. Speaker. One of the balancing tools between an employer and the employee is the ability of the employer to impose certain things, but of course the ability of the employees to not like those ideas, Mr. Speaker, and ultimately during the collective bargaining process is if they can't come to an agreement, to withdraw their service, their labour.

Well, Mr. Speaker, this Bill takes away that ability from several thousand — in fact, Mr. Speaker, tens of thousands — of public sector workers in the province of Saskatchewan. And, Mr. Speaker, part of the problem is we don't know who all will have the right to strike being taken away from them, Mr. Speaker, because the devil is always in the detail. Mr. Speaker, we don't have the detail today. We have a very broad piece of legislation that can encompass not only those who are employed directly in the public sector of Saskatchewan but anybody else the government chooses — and I want to say this very clearly — anybody else that the government would choose to include in this piece of legislation.

And, Mr. Speaker, we don't know what their intent is. When you ask questions, you don't get definitive answers. When you ask questions, you get broad maybes — under some circumstances, perhaps.

We had the minister today use the example of highway workers, Mr. Speaker. Well maybe in the middle of a snowstorm, highway workers in one part of the province where the snowstorm is going on would be essential. But would highway workers in other parts of the province where there's no storm be essential? Or, Mr. Speaker, in the summer when there is no dangerous snowstorms, are those same highway workers an

essential service, Mr. Speaker? Those are all very interesting questions.

And then you have to ask, is it all highways workers in that area? Or is it a number of highway workers so management have to fill in the, backfill for a number of positions, which is normally what would happen when labour was withdrawn in a particular situation? Those are all questions that there have been no answers to to date, Mr. Speaker, and no indication from the government what those answers would be.

Mr. Speaker, when we look at this particular piece of legislation we don't know what the intent is. It's clear that the intent is to provide essential services. But is that every employee? And I'll use another example, Mr. Speaker. Is that every employee in a correctional facility or every employee in a young offenders facility? Or is it every nurse in a hospital or is it only a certain number of nurses to provide the minimal basic needs of those institutions, Mr. Speaker? Those are all questions that are unanswered.

Mr. Speaker, this piece of legislation could in essence say that nobody in the health care sector in any position has the right to strike, Mr. Speaker. It may well say or may well have the final implication of saying that government employees don't have the right to strike if in any way that they have to be replaced by somebody else that would cost additional money to the employer. We don't know what the intent of this particular legislation is, Mr. Speaker, and nobody's going to clarify that. Nobody's willing to make it more clear, Mr. Speaker.

All we know is that if we have a government who wanted to make every single public worker essential, they could, Mr. Speaker. They could, using this piece of legislation. So where's the balance, Mr. Speaker? It's very difficult to understand where the balance is when nobody will talk about what this legislation means.

[11:45]

Mr. Speaker, in estimates when we asked in various departments what it would mean, some ministers would answer; others wouldn't. When I asked the Minister Responsible for Government Services, his department told me what they considered essential services. When I asked the Minister of Corrections and Public Safety . . . Both of these were last Thursday, Mr. Speaker, and when some departments tell me that they've had this consideration and they've determined it, then I, I'm pretty sure that the government as a whole has determined it, Mr. Speaker.

But when I asked the Minister of Corrections and Public Safety, he wouldn't tell me. Is that because every single employee is an essential service? That's why he wouldn't want to tell me until after he's passed the legislation so he wouldn't create unrest in those, in those employees, Mr. Speaker.

Now we need to have straightforward answers so we understand what is, what the implications of this legislation are. And to date, Mr. Speaker, we haven't been able to get those straightforward answers.

So, Mr. Speaker, we know this: this legislation is the broadest

in Canada. Its application doesn't only apply to the public sector, Mr. Speaker, but could apply to anybody through an addition in regulations, Mr. Speaker.

And I want to point this out to the general public, Mr. Speaker, things that the public would not understand. One of the things that, by doing it by regulation, Mr. Speaker, it does not allow, does not allow for debate in this House on the expansion of who's included, Mr. Speaker, because regulations don't have to come to this House for debate, Mr. Speaker. They're passed by the government in secrecy and then they're, they become law, Mr. Speaker, when they're signed through an order in council and they become law. Now of course they're posted and then you can raise the issue in the media or in the public, Mr. Speaker, but it's an after-effect — it's already law. It's already in place, Mr. Speaker.

So the very important details about this legislation and about the implications of this legislation aren't even debatable, Mr. Speaker. We don't have the opportunity to sit down and say, yes it works; no it doesn't work; could it work better, Mr. Speaker, because the very details of this legislation will be done through regulation and they're not debatable in this House, Mr. Speaker.

I'd like to point out this, Mr. Speaker. We keep hearing about amendments. Mr. Speaker, the minister responsible, the Minister of Labour, says that there will be amendments to the Bill, Mr. Speaker, but he hasn't provided those amendments to us. So here we're sitting debating a piece of legislation that he already knows is inadequate, Mr. Speaker. We're here debating a piece of legislation that the minister's already determined is inadequate and that he has to amend, and he won't provide the amendments to us, Mr. Speaker. That is what he needs to do. If he wants this legislation to have a meaningful debate, he needs to provide those amendments to the opposition. He's already taken a Bill out or he's already working on a Bill that he's determined is inadequate, that he has to amend. But we're here debating this without knowing what those amendments are.

So, Mr. Speaker, should he not provide those amendments to the opposition, Mr. Speaker? To the stakeholders, so they know what his true intent is. But what he's trying to do here with this piece of legislation is keep us from understanding what his true intent is and ram this Bill through without meaningful debate, Mr. Speaker. If we had those amendments today, we would have a better understanding of what his intent is. But because we don't have those amendments, Mr. Speaker, we don't have a clear indication of what the minister's intent is. And we'd like to have that because I'd like to be having a debate about something we know about, instead of something that's an unknown, Mr. Speaker.

But, Mr. Speaker, the regular process is that the minister can make those amendments in committee and other places. But he can willingly provide that type of information to the opposition. And knowing how contentious this Bill might be and the need for broader public consultation — our desire to have broader public consultations — why would he not provide those amendments to us?

Mr. Speaker, it goes to intent. It goes to how this whole process has unfolded, Mr. Speaker. And that makes a number of people

— including many people in both the labour and business communities out there — uncertain because we don't know what the minister intends. We know what he's got in this Bill. But he's already himself determined it's not adequate, that he needs to make amendments.

So please, we call upon the minister to share those amendments with us. It shouldn't be that difficult. They shouldn't be that difficult to share with members of the opposition, so that we can actually be debating something that's real, something that is more understandable than what we have before us. Because we have a Bill right before us today, Mr. Speaker, that we know the minister intends to amend. Well if he shared those amendments with us, then we could all be talking from the same information base, Mr. Speaker. We'd all understand exactly what he intends to do. But without that, Mr. Speaker, we're guessing at what his amendments are.

Maybe his amendments are things we want to see, Mr. Speaker. Maybe they're good amendments. Maybe they'd make this piece of legislation better, Mr. Speaker. But we haven't seen them, so how do we know, Mr. Speaker? We cannot pass judgment on something we don't know, Mr. Speaker. We cannot pass judgment on amendments we have yet to see. And, Mr. Speaker, I think it's very, very important that the minister both table those amendments for the entire House to see, for all the members of the legislature to see, if he intends to make amendments.

And secondly, Mr. Speaker, we need to see what his regulations say. Mr. Speaker, he can't say he's going to pass this very broad-sweeping, all-encompassing piece of legislation, Mr. Speaker, and then go away in the middle of the night, pass a series of regulations, Mr. Speaker, that may have major implications on this particular piece of legislation, without any debate, without any understanding, without the ability of the opposition, Mr. Speaker, to hold them accountable for what they intend to do.

Mr. Speaker, the people of Saskatchewan have a right to know what their government intends to do. And we as the opposition are there to represent the people of the province and to ensure that that information is made public so that people get the opportunity to see what the government's intent is, Mr. Speaker.

Mr. Speaker, we had some ministries being very open and honest last week about what they saw as essential within our departments. We had others, we had others, including the Minister of Corrections and Public Safety, wouldn't tell us. Would not tell us. When asked directly in committee he said he didn't know; they hadn't determined it yet. They wouldn't tell, Mr. Speaker. Now, Mr. Speaker, Mr. Speaker . . .

**The Speaker:** — Order. I would ask the members if they have issues to discuss between themselves to either go behind the bar or just outside of the Chamber so that the member who has been recognized can be heard. I recognize the member from Dewdney.

**Mr. Yates:** — Thank you very much, Mr. Speaker. It's always nice to have time to talk about these very important Bills in the House, and I'm glad that you're ensuring that that time is

provided to us.

Now, Mr. Speaker, so some departments were willing to tell us what they saw as essential services. Others weren't. So we don't know what the intent even of different ministries are within the government. And without that type of knowledge and without being able to provide that to the people of Saskatchewan, how do we adequately represent them in ensuring that this Bill is the best that it can be, that we provide the best possible legislation for the people of the province of Saskatchewan?

Mr. Speaker, when we requested public consultations, we could have went out, as I indicated earlier, in the early months of 2008, and held public consultations across the province or just simply here in Regina, Mr. Speaker, and had others come to the legislature, and would have been in a position to know exactly what the people of Saskatchewan really thought about essential service legislation and what they wanted seen, what they would like to see in essential service legislation, Mr. Speaker. Because to say essential service legislation is supported by 60, 70, 80 per cent of the public is, like my colleague said, motherhood and apple pie, Mr. Speaker, because who would not want to ensure their own safety, Mr. Speaker?

And we as legislatures all want — legislators; pardon me — all want to ensure the safety of the public, Mr. Speaker. But so do the workers, Mr. Speaker. And we saw that during the last public service strike. When we had a major storm coming forward, the highways workers voluntarily went back to work. Those highways workers work in those communities where those families are from, Mr. Speaker. Do you think that they want to see somebody injured or a fatality on those highways, Mr. Speaker? Those are people who are their neighbours, their friends, people they work with, they live with every day, Mr. Speaker.

Government employees, nurses, health care workers, Mr. Speaker, Crown employees, they don't want to see anybody injured or at risk as a result of strike action, Mr. Speaker. And when it's been necessary, Mr. Speaker, they have stepped up to the plate, generally, and made sure, Mr. Speaker, that those essential services were in place.

And when that hasn't happened, Mr. Speaker, and when that hasn't happened, when the government has determined that for reasons there is a risk to the public, whether it be in the provisions of ensuring electrical transmission and electrical utility being available for all Saskatchewan residents, Mr. Speaker, there are times when a government has had to step in and use back-to-work legislation, Mr. Speaker.

But, Mr. Speaker, the use of back-to-work legislation requires debate in this House. It allows the members of the legislature to question whether or not the particular legislation moving forward is the appropriate solution to the problem. It's debated. There's the opportunity for public debate on the issue, Mr. Speaker, as we debate it in this House.

This legislation takes all that away, Mr. Speaker. It allows the government to actually impose, actually impose the equivalent of back-to-work legislation before you even have the strike, Mr. Speaker; and secondly, without any debate, without any public

airing of the problem, Mr. Speaker. And, Mr. Speaker, I've been part of a government that's used back-to-work legislation, Mr. Speaker. And when it's necessary, back-to-work legislation is necessary.

But it has the additional scrutiny, Mr. Speaker, of debate in this House. Additional scrutiny of public recognition of the issue through the debate in this House, Mr. Speaker. It isn't simply a piece of legislation where at the end of the day you can designate employees as essential services and there is no ability, Mr. Speaker, there is no ability to change that.

Now, Mr. Speaker, there is a process in there saying you can appeal it to the Labour Relations Board. But for the general public I'd like to let people understand that if you're a public employee in the province of Saskatchewan, your employer is ultimately the government. Whether it be through a second party agency or not, your employer, the funder is ultimately the Government of Saskatchewan.

The Government of Saskatchewan also appoints the Chair of the Labour Relations Board and the Vice-Chairs of the Labour Relations Board, and they have the ability to fire them. So, Mr. Speaker, you've got the employer passing judgment over themselves.

So how do you get fairness? How do you even get the resemblance of fairness in the general public, Mr. Speaker? How do you get any sense of justice or fairness in a system where the very employer appoints the people who would pass judgment over whether or not what's deemed essential service is fair or not?

Mr. Speaker, what would make this piece of legislation much better — much, much better — would be if there were an independent third party adjudicate it who had the ability to adjudicate whether it's fair, Mr. Speaker. We see today a government that fired the Chair and the Vice-Chairs of the Labour Relations Board and put in place a lawyer, a friend of theirs who worked on their transition team, Mr. Speaker, and has very little or no experience in labour relations issues whatsoever and what he has had has been in relation to employers, Mr. Speaker, very slanted toward employers. So he's going to have the ability to pass judgment over what should be essential service and what shouldn't be in each and every bargaining unit and each and every work unit, Mr. Speaker.

Well, Mr. Speaker, what would make the balance in this piece of legislation much more balanced and much more fair would be if in fact there was a third party independent individual or perhaps a party that was agreed to year by year by the Federation of Labour and the government, an individual who would oversee these types of disputes rather than it be the Chair of the Labour Relations Board whose own employment is dependent upon the goodwill of the government.

And we've seen this, Mr. Speaker. This is not myth. This is not myth. We have a government that has just fired the Chair and Vice-Chairs of the Labour Relations Board, and if they got a decision they did not like from a future Chair, they could fire him, Mr. Speaker. They could fire him, Mr. Speaker. And not only could they, we've seen the direct — direct — associated,

Mr. Speaker. We've seen a Chair and Vice-Chair fired, Mr. Speaker. Not only can they do it, they've done it. So how, when you have an agent of the employer determining what the balance is, Mr. Speaker, can you ever get true balance?

So one of the things that would make this piece of legislation more fair and more balanced is a third party, independent appeal process, somebody who isn't influenced by the government so directly, somebody whose own employment and financial well-being isn't directly affected by the employer who has the ability, Mr. Speaker, to take that away from him.

So, Mr. Speaker, now what do we do when you have a piece of legislation that may well be intended for good intent, but doesn't meet the needs? It isn't adequate.

[12:00]

Well even the minister thinks it's not adequate because he's proposing amendments but refuses to share those amendments with us, Mr. Speaker. So, Mr. Speaker, what we'd like to see is those amendments come forward. We'd like to have the opportunity for those amendments to be seen, to be aired, and so that we're talking about from an informed point of view, Mr. Speaker, with all the information in front of us.

It's not good enough for just the minister to fully understand what he intends to do. We need to understand that in order to have meaningful and informed debate, Mr. Speaker. And that's what this Assembly's all about. It's about having informed and meaningful debate, Mr. Speaker.

Mr. Speaker, so what do we have here? We have a piece of legislation that's all-encompassing, all-encompassing, Mr. Speaker. It can mean anything that the government wants it to mean as far as public sector workers and those employed by the government, those who are employed through third parties that the government may fund. Or for that matter, Mr. Speaker, there is no guarantee that it doesn't start to affect private sector employees that the government may have some interest in. And that could be some workers who chose to strike, which might have some impact on the economy, or might have some impact on the social delivery system through third party agencies, Mr. Speaker.

Now, Mr. Speaker, what does that mean? It means we don't know what we're debating because we don't have the amendments, we don't have the regulations, and we don't have, most importantly, an understanding from the minister of what he intends. What's his intent with this legislation? And if we had that clear meaning, Mr. Speaker, that clear intent, then in fact we'd be in a much better position to know whether or not we could or wouldn't support this legislation.

Mr. Speaker, we . . . [inaudible interjection] . . . Well one of the members opposite, Mr. Speaker, says I'm just too suspicious. Well, Mr. Speaker, the whole process has led to that suspicion. That whole process has led to that suspicion, Mr. Speaker. The fact that before an election they said it wasn't necessary, and after, they table legislation. The fact that we asked for consultations in November; they won't do it, Mr. Speaker. They don't want to hold broad public consultations.

Mr. Speaker, when we asked the same thing this spring, they don't want to do it. When they won't give us the amendments, Mr. Speaker, when they won't talk about what's in the regulations and, most importantly, Mr. Speaker, when the minister can't answer a question factually, Mr. Speaker — whether he doesn't know the facts, Mr. Speaker, he doesn't know the answers, or he doesn't want to.

But regardless, Mr. Speaker, we can't get the answers we need. And, Mr. Speaker, that causes a great deal of concern. Mr. Speaker, Mr. Speaker, as we look at this piece of legislation . . . Mr. Speaker, I know you're not falling asleep. I know you're paying attention — some of the members opposite may not be — but thank you very much for your due diligence, Mr. Speaker.

Mr. Speaker, what we have before us is a piece of legislation that has significant implications, but without the types of the consultations and debate that we need to have with all the information in front of us, it makes it very difficult to pass judgment on. Even those stakeholders in both business and labour and the academic community outside in the general public, Mr. Speaker, can't pass judgment on what they don't know or don't see, Mr. Speaker. So until the minister tables his amendments, until the minister lets us know what his intent is, and until we see the regulations and what that implies, Mr. Speaker, we cannot pass meaningful judgment on this particular legislation.

Mr. Speaker, so without those things the minister has left us trying to debate something without all the facts. Mr. Speaker, you'd think he'd want us to have an informed debate. You'd think he'd want the public to be better informed, Mr. Speaker, so that we in fact can talk about these things in a way that means something to both the people of this province, Mr. Speaker, and to the general public.

Mr. Speaker, when I look at this legislation, no public consultations, very narrow consultations by the minister, and a number of letters sent out he says — meetings with a few people. But, Mr. Speaker, unless you sit down with exactly what the minister intends, you have the actual amendments he's willing to put forward, and you know what he intends to do with the regulations, Mr. Speaker, we're all guessing. So foremost and most important, Mr. Speaker, we're asking the minister to table both his amendments and his regulations so that we can have a meaningful debate about this issue.

Mr. Speaker, as I said earlier today, who in the public and who in this House would not want to have our public safety protected? There isn't a citizen alive who would not want to have their public safety protected. But, Mr. Speaker, we think there is a better way to do it than this particular Bill.

One of the very clear things that would make it better is if we had an independent appeal process, other than the Labour Relations Board who the government has already demonstrated that they're prepared to fire the Chair if they don't like the Chair. Mr. Speaker, if they don't like the outcomes, they are prepared to get rid of somebody, Mr. Speaker.

We can't have that. You cannot have an appeal process where the head of the appeal process is afraid of the employer.

Because it's a unique situation, Mr. Speaker, not found in most labour relations environments when the employer is actually the government and the employer actually controls the appeal mechanism, Mr. Speaker. So is there independence of appeal? Is there true fairness and balance in the process, Mr. Speaker? That's all questionable.

So rather than have that question hung over everybody's heads and rather than have fights over whether the system is fair or not, why don't we look at an independent appeal system where somebody who isn't answerable to the government gets to appeal what's fair and what isn't fair, Mr. Speaker? That would make this piece of legislation better, Mr. Speaker. And this is just one of many examples where I think we can indicate that we can make this legislation better.

Mr. Speaker, there's no doubt the government has the majority, has the ability to pass legislation. But they should want to pass the very best legislation, Mr. Speaker. Mr. Speaker, we want them to pass the very best possible legislation, and we want them to do it, Mr. Speaker, after consulting with the public.

All we're asking here is, Mr. Speaker, is that the government rethink the process and agree to take this Bill out through a committee process over the summer for public consultations, Mr. Speaker, so that both members of the general public, Mr. Speaker, members from the trade union movement, members of business have the opportunity to speak, to speak to this Bill, to be heard, so that they have a chance to ask the minister questions, ask the committee, make presentations to the committee, but a chance to understand what the minister's intent is, Mr. Speaker, because today we don't have the amendments; today we don't have the regulations. So, Mr. Speaker, there's much unknown.

And I just gave you one example of something that would make this particular piece of legislation much better — and that's an independent appeal process of what is essential and what isn't — not one that's controlled by the government, where they can fire the very individual if they don't get the answer they want to hear, Mr. Speaker. But, Mr. Speaker, we need to all work very diligently to make this legislation the very best possible legislation we can make it.

So, Mr. Speaker, with that I will take my seat. There are some of my colleagues who would like to comment on this particular piece of legislation. Mr. Speaker, we hope the Minister of Labour is listening. We hope that he will consider some of the comments he hears today.

We all have a desire to have good, workable legislation. And we should all undertake to make it as workable as possible. My one suggestion is just one example, but he'd hear very, very, many, many, possible amendments and ideas if he would just let this Bill go out for public consultations so the people of this province would have the opportunity to have their say. So thank you very much, Mr. Speaker.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Regina Walsh Acres.

**Ms. Morin:** — Thank you, Mr. Speaker. It's with great pride and humility that I stand in this Legislative Assembly to speak on behalf of the working people in the province of Saskatchewan.

The citizens of this province have consistently and respectfully worn their pride, their historical admiration for it, of the gifts of working people have brought to all our lives. Decade after decade, survey after survey, and from generation to generation Saskatchewan has ranked higher than any other province in the quality of life that we have here.

We have a tradition in this province which exemplifies why that is the case and it is embedded in the soul of this province and its people. That tradition is, simply put: an injury to one is an injury to all. We care about our neighbours, our friends, and those who have less than others. If they suffer, it is our suffering. If they hurt, we are hurt.

That is the essential nature of what a union is all about. Through unions, like co-operatives, we learn the value of working together as a collective and for the collective good, rather than our personal, individual self-interest.

Through our unions we learn to respect that others may be different from us in so many ways. Yet like every child born in this great society, we all have the same basic needs, wants, and desires, and we all have a beautiful contribution to make that improves the lives of everyone. We experience in real terms what it feels like to be able to bring a smile to a co-worker and their family by listening to them and by working with them to improve their daily lives.

We learn the humility of what it feels like to have complete strangers come to visit you at home when you have been unjustly treated at work and to offer everything in their power to make it right again. We learn the responsibility we have to ensure that no one goes without the protection of our laws and our rights.

It is unions who have brought to our society our human rights through collective agreements and through legislation. It is through unions that we learn that the entitlement to those rights is a fundamental right of everyone, including your children and my children. It is through unions that those rights are enforced through the grievance and arbitration procedure and under collective agreements. The history books and the court records and the arbitration decisions are filled with a long and extraordinary courageous advocacy of unions and their representatives in protecting and promoting those fundamental human rights.

Mr. Speaker, we owe a huge debt of gratitude for the gift of human rights, the gift of human dignity, for the gift of human respect, for the gift of human equality that awaits us all when we are old enough to work in this province. We owe that gratitude to every union worker who has walked a picket line or marched in a rally or risked their lives to stand for, to demand laws for, and to support a collective agreement at work for the rights of everyone to be safe and secure against every and all forms of discrimination.

And, Mr. Speaker, that includes all forms of discrimination.



That includes, Mr. Speaker, a workplace and a society free from the horror and violence of homophobia. What that means, Mr. Speaker, is a workplace where your sexual orientation cannot be used as a subject of vile jokes which demean and abuse you, where your sexual orientation does not become a means to prevent you from promotions or hours of work or decent wages or benefits or any other working conditions.

Mr. Speaker, we could spend hours describing the work of unions to eliminate this violence from our workplaces, from the hundreds of educational workshops and educational programs, to the affirmative action pride committees, to the designation of leadership positions inside their own organizations — recognizing the need to empower those whom so many employers and governments treat as second class citizens.

Mr. Speaker, everyone in this Assembly knows the views of Saskatchewan citizens on this particular matter. The people of this province do not tolerate and will not tolerate homophobic remarks and attitudes and behaviour. We can provide so many examples of the role of unions in taking collective responsibility to ensure that behaviour and attitude does not gain any ground, that behaviour and attitude does not gain any ground in our workplaces and in our society.

Recent events clearly establish where the union movement stands on this matter, Mr. Speaker. It was no coincidence that union leaders like Donna Smith, Larry Hubich, and Shelley Johnson spoke out against homophobic attitudes without a second of hesitation when they and the members of the union movement they represent witnessed the homophobic hatred displayed for all across the country. That is the legacy and the tradition of this union movement in Saskatchewan, Mr. Speaker. An injury to one is an injury to all. Mr. Speaker, that is their moral code, their ideology, their value system. We should honour and respect that, Mr. Speaker, not attack them with legislation designed to weaken them.

Mr. Speaker, the forms of discrimination which unions have fought to eliminate include the intolerance and abuse of racism. It includes the elimination of discrimination against working people and our citizens because of race, colour, creed, age, and gender.

Mr. Speaker, to this very day women face unconscionable violence and misogyny at the hands of employers and on occasion co-workers. Unions have played a significant role in empowering women to end this immorality and abuse. They have developed the following through free collective bargaining: workplace anti-harassment; educational programs given on work time; workplace policies that define what harassment is and how it is to be prevented and stopped; confidential mechanisms for women to begin to stop the violence they face; enforcement procedures to end their abuse; and a right to representation at no cost to ensure they are protected, safe, treated if necessary, healed if required, and suffer no loss of income nor benefits as a consequence.

[12:15]

Outside the workplace, unions have organized public education campaigns against violence against women, have gone on strike and walked picket lines in solidarity to end violence against

their sisters, demonstrated and rallied before this legislature to demand rights and protections for women in our society, and organized to support laws which will protect every woman in our society not just those who are unionized.

Most of us will never forget the incredible and beautiful yet painful courage of two young women in Saskatoon who, with the support of their union brothers and sisters, stood up against the Dairy Producers in their successful struggle to end violence against women. I remember listening to them speak, Mr. Speaker, and when asked why they went through it they remarked, quote, “So that my daughters and your daughters never have to face violence at work.”

The NDP government changed the workers’ compensation laws and the occupational health and safety laws to make it safer for women to protect themselves against sexual harassment at work. Union members from all across Saskatchewan and parts of Canada joined hands to walk with them in support, in solidarity. An injury to one is an injury to all to have lived amongst us at the time, as our morality, our value for our society.

My union was a brilliant example for me as a woman, mother and trade unionist in defending and promoting the rights of women, equal pay and pay equity. In addition to being an active supporter of the pay equity coalition led by such working class union women as Aina Kagis with CUPE [Canadian Union of Public Employees], our union fought for several years and at every level of our court system to support every woman’s right to equal pay and equality at work in all regards.

Barbara Hall was a Safeway clerk who filed a complaint and a grievance with Safeway demanding pay equity with her fellow co-workers in every Safeway store represented by her union. The employer, as is typical, refused to pay her and all women the same rate of pay as men doing similar work.

We had countless meetings to prepare our case. Many of these meetings required that we met during work hours and the union covered our lost wages. We went to many court hearings and were represented by a lawyer paid for by our union. Our brothers learned through the collective process and the educational process that unions bring to a workplace all about the injustice to their sisters at work and supported us through the collective.

Even after we finally won the case for equal pay in court and set a precedent for all women in Saskatchewan, our boss refused to pay up and fix the problem. Our brothers supported us at the bargaining table, and we voted collectively to go on strike. One of our main demands was for equal pay and to compensate us for years of our injustice. We settled at the bargaining table. Without our right to strike, Mr. Speaker, that would have never happened.

Mr. Speaker, these rights for women did not come voluntarily. These rights were not given graciously and willingly to women by bosses and by governments. Indeed, Mr. Speaker, this Legislative Assembly knows what it took to get us to a place where discrimination against women is unacceptable and illegal in this province and generally, Mr. Speaker, and in this country, Mr. Speaker.

Just over a month ago in this Assembly, the government, the NDP government, and the opposition recognized the importance of International Women's Day and what it symbolically recognizes. The members of this Legislative Assembly know that it began with women going on strike, Mr. Speaker, going on strike and marching to demand their right to equality. That's right, Mr. Speaker. We honour the struggle for equality which union women, with the support of union men, have led through the use of the right to strike. In some cases, women workers faced violence to defend their right to equality.

And, Mr. Speaker, is it just a coincidence that this legislation seeks to weaken and remove the right to strike from so many occupations which are mostly held by women? In fact, Mr. Speaker, if this government is focused primarily on health care as the target of this legislation, the effect of this legislation is to target women workers, Mr. Speaker.

Unions in British Columbia went all the way to the Supreme Court of Canada to defend women workers against illegal and immoral attacks on the rights of women workers and their right to strike in health care, Mr. Speaker. We know that in this province, the union movement is about to file legal challenges to this legislation, one of the big reasons being because it discriminates against health care workers, because it discriminates against occupations primarily held by women.

It is the duty of this Legislative Assembly to look at laws which promote the equality of women and which do everything possible to ensure that all women feel safe and respected in this province.

This legislation does nothing of the sort, Mr. Speaker, and it is unfortunate that the government didn't even have enough respect for the women and their unions to consult with them about this legislation before what they are doing — which is ramming it through.

So I ask the members opposite, Mr. Speaker, why are they doing this? Why is the Sask Party showing such disrespect? Why does the Sask Party believe that women are not entitled to exercise their constitutional right to strike? Is it because they respect the work that these workers do so much? Is it because they respect these workers' ability to exercise their judgment about compassion and care? Is it because they believe their work is so important that they are paid wages and provide working benefits that reward them? Is the Sask Party as the employer going to table proposals at the bargaining table this year which recognized how highly their labour is valued, how important their work is to our society?

Is the Sask Party government going to compensate them for taking away their right to strike? Is the Sask Party government going to compensate them with improvements to their working conditions sufficient to guarantee that without their right to strike, they can count on the government providing them with what they need to be secure in jobs that properly value what they do, Mr. Speaker?

This legislation is overly aggressive and unwarranted, Mr. Speaker. It is an insult, and it has elements which appear to treat women as second-class citizens. Mr. Speaker, this should offend every member of the opposite side, of the government.

And is it a coincidence, Mr. Speaker, that this legislation is designed to weaken the very organizations which have provided the leadership every day to protect and promote the equality of women? Is it a coincidence that the Sask Party government chooses to attack and weaken the unions, the very unions which women belong to primarily and which fight for equal pay and pay equity and workplace child care and an end to violence against women, Mr. Speaker?

Is it this government's intention to compensate for this loss of respect and this loss of power for women and their unions by introducing pay equity legislation voluntarily? By introducing workplace child care, Mr. Speaker? By introducing legislation that raises the wages and benefits of all health care workers to levels which exceed those given to the highest paid workers in the oil and gas industry for instance or to those who work in the many other occupations which still have the right to strike once this legislation is rammed through, Mr. Speaker?

We know the answers to those questions. This legislation is not about fairness nor public safety. This legislation is not about promoting the dignity and respect of all health care workers. This legislation has only one purpose — it is to weaken unions. It is to undermine the ability of unions to fight for justice and economic security. It is to weaken unions and their ability to fight for women's rights. And if it wasn't, then why ram it through now, Mr. Speaker? Why not allow this legislation to go to public consultation, Mr. Speaker? Why at this moment in our history, Mr. Speaker?

Mr. Speaker, I could spend months putting on record the issues that unions have led the struggle for on behalf of all working people. I could spend months putting on record the contributions unions have made to our society. And given the union-breaking nature of this Bill and its companion Bill No. 6, Mr. Speaker, maybe this legislature needs to take history lessons to ensure that everyone here understands the incredible disdain this shows for the benefits that unions have brought to all citizens of this province.

Mr. Speaker, the truth of this proud history and contribution is beautifully and strikingly laid out in the award-winning book titled, quote, *On the Side of People*. It chronicles the history of the union movement with particular emphasis on Saskatchewan. Its title is apt, Mr. Speaker, for in this book one will learn several important facts, several significant truths. Unions have always been on the side of people. They have had to use their right to strike and to bargain collectively to improve the lives of every citizen in this province. And in some cases, union members died in the struggle to bring justice to all.

The lists of contributions include medicare. Unions supported the creation of the concept of medicare in law. They organized support for political parties and elected representatives who had the courage to stand for the people and bring us medicare, Mr. Speaker. An injury to one is an injury to all, Mr. Speaker.

Let no one be denied the medical care they need simply because of a lack of money. Unions picketed, rallied, marched, and went on strike for medicare, Mr. Speaker. Unions supported publicly funded health care to ensure that the only requirement for you and I to receive medical care was simply if we needed it. Profit and money were eliminated as the decision makers for our

medical care in this province, Mr. Speaker. Unionized workers deliver it proudly, defend it proudly, and to this very day, promote this universal medicare system in their collective bargaining, including strikes if necessary.

Unions have taken it further and negotiated collective agreements which provide every worker as equals — universal short-term and long-term disability benefits, dental benefits, optical benefits, drug plan benefits, life insurance benefits, and so on and so on. Many of these were won through the exercise of the right to strike. Unions have promoted changes and laws like The Labour Standards Act to bring these universal medical benefits to every worker in the province.

Unions have promoted the election of representatives who support such laws and who will defend, protect, and extend such benefits to everyone in the province. It was essential to unions that everyone's right to universal medicare was protected. Unions take that right very seriously. Unfortunately the members of the opposition seem not to, given that they find this funny.

But anyways as I said, unions take that right seriously. And there is not one single incidence of the union movement doing otherwise, Mr. Speaker. During a strike or lockout, unions have set up special teams to provide emergency services. That, Mr. Speaker, is the truth.

In fact during a strike or lockout, unions have set up teams that are more effective in responding to emergencies than in some cases would normally be the case. That is because during a strike, workers, who are the experts at providing emergency care, are the decision makers, Mr. Speaker. They do not have to go through the red tape normally required. They can assign more people to the emergency than the boss would normally be able to provide because they are in control of the work assignments.

It is an insult to the compassion and commitment of all health care workers for it to be suggested that they don't care about their patients during a strike or lockout or at any other time, Mr. Speaker. They have always cared for and will always care because that is who they are.

The amount of money that the vast majority of health care workers receive in this province is, in and of itself, rather an insult. The workers at places like Pioneer Village and the hundreds of other care homes are essentially responsible for every second of the lives of the loved ones left in those homes. It would perhaps be a valuable lesson for the members opposite — and perhaps for all of us, Mr. Speaker — to spend one day doing their work.

[12:30]

If it is too unreasonable for an elected representative to spend one day only to learn about what these working conditions are like and what level of commitment to care is required to even be a home care worker, then would it not be respectful, Mr. Speaker, would it not be just, would it not be the democratic and fair thing to do to invite some of them to speak to the committee assigned to hear this as a public consultation to give us their stories, Mr. Speaker? Surely we have enough respect

for the thousands of unionized workers in our health care system to give them a chance to tell us the truth about their work before we have the audacity to take away their essential rights, their right to free collective bargaining, their right to strike, their rights as free citizens to withhold their labour until the boss makes working conditions and level of care for the sick and injured and seniors better and acceptable.

That's right, Mr. Speaker. Unions do go on strike to improve the quality and level of care for their clients and patients and friends, and they do not do so at the risk of the very people they care for, Mr. Speaker. For more than you can guess, the workers and the persons in their care have a close relationship of mutual care and respect that many of us would cherish.

The right to strike is essential to improve the quality and level of care, things like more workers to care for persons in care, better quality supplies and medications and tools and beds and linens and food and supplies and hours of work and less overtime, Mr. Speaker. The right to strike for health care workers also includes the right to strike to protect universal, accessible, quality, publicly owned and operated health care, Mr. Speaker.

This legislation shows absolutely no respect for our health care system nor the people who deliver it every second of every day of every year. They have always had the right to strike in this province, except when politicians who support privatizing at least some aspects of our universal medicare system get elected to power, Mr. Speaker. Is this a coincidence? I think not. Is this the government's reason for this utter disrespect for the essential rights of our health care workers, Mr. Speaker? Is this the real reason why the government didn't even consult with the health care workers before introducing this legislation? Does the Sask Party favour moving some aspects of our health care to the non-union private sector, Mr. Speaker? Does the government want to make sure that our health care workers cannot strike to protect our universal health care system, Mr. Speaker? The truth is plain and simple. The government has no real evidence of a need for this legislation. The unions and the health care sector employers have always negotiated emergency services because the unions have always provided these services through a strike.

At this moment, the government is showing complete contempt for the good faith collective bargaining process. No consultation with the unions before this legislation was introduced. No evidence of reasons for this legislation. No respect for the existing history of good faith bargaining, Mr. Speaker. No respect for the compassion and judgment of unionized health care workers. No respect for the human rights and constitutional rights of health care workers, Mr. Speaker. If this is about public safety and public health, why does this government fear talking to, consulting with, and listening to those very people who are responsible for the health and safety of the public every day of their working lives, Mr. Speaker?

Mr. Speaker, we owe a great debt of gratitude to unions for employment insurance and laws and collective agreement protection for the terrible moment when we might lose our jobs. The On-to-Ottawa Trek and marches across Canada, even a general strike commenced to ensure that every member of our society did not go without the basic essential of life when there

were no jobs for them. Basic unemployment insurance sufficient to provide the minimum in food, clothing, and shelter. Workers negotiated a system which included part of their own wages to be used to provide this essential coverage because, for unions, what was essential was the right of everyone in society to the basic necessities of life.

Being without a job through no fault of your own can be a devastating experience for a worker and their family and their children. Through free collective bargaining, unions negotiate layoff and recall rights, bumping rights, severance pay, retraining and job placement, and continuation of important benefits like health and welfare. Unions marched for and went on strike for these protections, Mr. Speaker.

Why is it that the Sask Party government seeks to introduce laws like this which would show no respect for workers and their unions and what they contribute to our society?

Mr. Speaker, it is through the unions and their commitment to democracy and the quality of life of every member of our society that we have so many of the rights that we now have. In most cases, they were achieved through free collective bargaining and the threat of — if not the use of — their right to strike. Unions have used this right not for selfish interest, but to secure freedom and security for everyone.

The list is almost endless and touches upon matters such as occupational health and safety laws and protections, defending peace and democracy and opposing useless and senseless wars, protecting our environment, eliminating slavery and child labour, bringing us the eight-hour day and statutory days of rest. The fight for minimum and living wages required strikes and demonstrations, and in some cases, workers lost their lives for this, Mr. Speaker.

This legislation, Mr. Speaker, must be open to public consultation. It makes no sense. It weakens our democratic tradition and threatens the most important right that workers have been given by our provincial, national, and international laws. Mr. Speaker, it is also the worst legislation of its kind in Canada. Why?

Let me put on the formal record of this Legislative Assembly the words of the Saskatchewan Federation of Labour. Here is an excerpt from their written submission on Bill 5 and its implications and dangers. The submission is the most accurate, thorough, and comprehensive analysis of the implications of this legislation, and thoroughly illustrates why it is not good for workers, not good for unions, not good for the people of Saskatchewan, and sets a bad precedent for the workers in our country. Quote:

The Saskatchewan Federation of Labour represents approximately 95,000 members, from 37 national and international unions. Our affiliate membership belongs to over 700 local unions throughout the province. We also advocate for the 25,000 workers who are unionized but not directly affiliated to the SFL. And we seek to provide a voice for approximately 125,000 workers in this province who are not unionized, but who may someday choose to become unionized. The SFL advocates for aggressive labour legislation and for the expansion and

preservation of workers' rights.

There are approximately half a million workers in this province. Not one organization representing workers in this province was consulted about either the need for Bill 5 and Bill 6, nor the details of what they contain, before they were brought before the Legislative Assembly. Your government has provided no explanation of the fundamental purpose of the Bills, leading us to question for whom they were written.

Recent correspondence between the Premier and the Canadian Federation of Independent Business and the Saskatchewan Business Council indicates that these small business organizations support Bills 5 and 6. These groups represent a part of the business sector the vast majority of whom are not unionized, nor ever will be. Were they consulted in advance of these Bills being drafted?

A close examination of the list of groups that the Ministry deemed appropriate to ask for feedback meetings, or for written feedback, demonstrates a shocking lack of commitment to hearing from working people, that is, those who are most directly affected by these Bills. Historically the main purpose of labour legislation is to protect employees from unfair and exploitive practices. Yet a litany of organizations and individuals who are not directly affected by this legislation were invited to meet and/or provide feedback. Thirteen post-secondary institutions, 11 mayors and 17 Deputy Ministers were asked for feedback, yet the Ministry invited only eight unions and one labour central to meet about these Bills. Feedback was invited from just one additional union plus the building and construction trades council.

The Ministry's short advertisement in the newspaper and an e-mail address attached to the Ministry's website asking for feedback provided little or no information about the rationale behind the need for these Bills. Twenty-second videos of the Minister describing aspects of the Bills on the website are not useful in understanding the purpose, or impact of the Bills.

At our recent feedback meeting with the Ministry, the SFL asked whether or not feedback received on these Bills would be made available on the Ministry's website. We respectfully request that you make all submissions available for the public record so that workers can review all of the submissions.

Our analysis of the Bills is that they were clearly designed to make it more difficult for workers to form and to operate unions and to engage in free collective bargaining. They were clearly designed to make it more difficult, if not impossible, for union members to exercise their right to strike. We submit that if you are going to so drastically affect unions' abilities to function effectively on behalf of their members, that you are obligated to consult at length with unions themselves. A two to three-week window of private, hour-long meetings with less than a dozen unions does not constitute meaningful consultation.

**Bill 5: *The Public Service Essential Services Act***

The Saskatchewan Party did not campaign on a platform of implementing essential services legislation. Candidate Don McMorris, [member for Indian Head-Milestone] who shortly thereafter became the Minister of Health, stated publicly during the election campaign that he felt there was no need for such legislation because the current processes in place during strikes was satisfactory. Just weeks later, Bill 5 was introduced in the legislature. The people of Saskatchewan did not give your government the mandate to enact such legislation.

The introduction of these Bills directly contradicts the Premier's mandate letter given to you, which in part, instructs the Ministry to "work with the province's public sector unions to ensure essential services are in place in the event of a strike or labour action." Introducing a Bill that not a single workers' organization asked for and that not a single workers' organization was adequately consulted, does not constitute "working with the province's unions".

Essential services legislation is unnecessary. Unions in this province have always provided emergency services during disputes, and they always will. In the event of a dispute, the public can count on the unions in this province to provide emergency services in a professional and ethical manner. We are citizens of this province too, and our actions affect our own families no differently than they affect each and every citizen. When unions strike, they do so with an aim to gaining public support. It is not in a union's best interest to endanger the citizens it serves. To date, the Ministry has provided no factual information, nor any rationale as to why such a law is necessary or desirable.

Bill 5 is the most sweeping and heavy-handed essential services legislation in Canada, other than simply proclaiming no-one has the right to strike. While this may seem overstated on the surface, it is critical that we look at the actual words used in the statute to determine its scope and its potential effect on workers' rights. We raise the following questions and concerns about Bill 5:

- a. Pursuant to Section 2(c), the definition of "essential services" includes danger to 'health', a potentially very broad concept. Does it include mental, psychological, and emotional health similar to such definitions in the *Occupational Health and Safety Act*?

Under the same Section, essential services are defined as 'prescribed services' for Government of Saskatchewan employees. "Prescribed services" are then defined in Section 2(h) as those prescribed by the regulations. In other words, Cabinet will decide what the essential services are for [the] Government of Saskatchewan unionized employees. There appears to be no requirement for this designation to be discussed or vetted by the legislative assembly, nor by the public. Because this is stated to be an 'and' as part of the definition, does this mean that Cabinet can designate as essential those services that are beyond those outlined in the definition? The power of Cabinet to make such designations is reinforced and repeated in Section 6(3) of the Act, and by

Section 21(b) and (d) of the Act.

[12:45]

The statutory definition of essential services under section 2(c) is weakened, perhaps even contradicted, by Sections 6 and 7. Because the employer gets to decide which jobs are deemed essential services, and because the Act does not permit anyone to challenge the employers' definition of essential services (Sections 6 and 7), the way the law is presently written the employer can designate anyone as essential, even if they do not meet the definition under section 2(c). This inconsistency is not acceptable.

- b. Bill 5 appears to be the most far-reaching essential services legislation in Canada in terms of the scope of employers who are covered. No other law covers post-secondary institutions and only one other jurisdiction covers municipal workers. What is the rationale for such workplaces requiring essential services?
- c. Are unionized private sector employers covered by this law? Section 2(i)(xi), states that [the] 'public employer' can mean "any other person, agency or body, or class of persons, agencies or bodies, that is prescribed". Once again, Cabinet can make this decision by regulation. This is repeated and reinforced in Section 21(c) which states that Cabinet can prescribe "any person, agency, or body, or class of persons, agencies or bodies, as a public employer." Is it your intention for the statute to apply to the private sector?
- d. What does an essential services agreement have to include? Aside from the list in Section 7 of the Act, note that Section 7(1)(e) adds to the list any other prescribed provisions. In other words, Cabinet can prescribe any other terms that have to be included in an essential services agreement. Is there any limit on what that might be? Cabinet's ability to alter the terms of an agreement is reinforced and repeated in Section 21.
- e. Section 21(a) states that Cabinet can 'define, enlarge or restrict the meaning of any word or expression used in this Act'. This appears to grant Cabinet extensive powers to alter the meanings of words in the Act to suit what may be political purposes. Section 21(e) and (f) appear to give Cabinet extensive powers to make regulations about just about anything.

In several of the points above, we raise concerns about decisions being made by Cabinet, out of the eye of the public and without input from democratically-elected representatives. Regulations are not debated in the Legislative Assembly, nor even presented to it. They are usually made by a committee of Cabinet and they are not made public until they are published in the Gazette. We do not believe that Cabinet, or a committee of Cabinet should be granted this degree of interference in, or influence over, negotiations between employers and employees. Indeed, in the case of Government of Saskatchewan employees, where the Government acts as the employer, to act in such a unilateral fashion, is

unconscionable. Dan Cameron, former chief spokesperson for the Government of Saskatchewan in public service negotiations from 1988 to 1996, argues that “essential service legislation, in reducing the power of unions, results in government being seen as taking sides in collective bargaining thus inhibiting its capacity to intercede as a dispute-resolving neutral.” This neutrality is further diminished by the way the Regulations are written.

Other concerns about Bill 5 include [under f]:

f. Under Sections 6 and 7, the employer designates the classifications that are to be considered essential services. Unions do not appear to have the right to challenge those designations before the Labour Relations Board. Where would a union go to challenge those designations if they the employer designated workers who do not meet the definition of essential services in the *Act*? Sections 6 and 7 appear to grant unwarranted powers to employers.

g. What if there is no essential services agreement? Section 9 suggests that if there is no agreement, the employer designates who is essential, and that is the end of the matter. Again, the power seems to reside ultimately with the employer, with little or no ability for unions to challenge the employers’ list.

h. Under Section 10, it appears unions have the right to appeal to the LRB on only one point: that is, how many people are designated in each classification. There appears however, to be no requirement that the LRB hold a hearing to allow unions to present arguments, nor is it specified how long the LRB can take to make its decision. While 14 days is suggested, the LRB can decide to take as long as it deems necessary.

i. All employees who are designated as essential, lose their right to strike and face fines that are enforceable as orders of the Court of Queen’s Bench under Sections 2(e), 14, 15, 16, 17, 18, [and] 20 of the *Act*. Individuals can face fines up to \$2000 and further fines of \$400 per day. These fines are extremely punitive.

j. Under Section 2(k) we note that “work stoppage” is defined “as a lock-out or strike within the meaning of *The Trade Union Act*”, which includes “refusal to work” and “activity designed to restrict or limit output”. Does Section 14, which states, “No essential services employee shall participate in a work stoppage against his or her public employer”, mean that workers would be unable to refuse to work overtime, or to engage in a work-to-rule? Does Section 14 mean that those workers deemed essential would lose their right to vote for a strike?

The Ministry has said that the intent of this Bill (and Bill 6) is to balance the rights of workers with public safety. Dan Cameron concludes, however, that “The focus of the legislation appears to be on limiting union . . . power and the impact of strikes and lockout action generally as opposed to ensuring [that] the continued provision of essential services in those specific instances where they

are threatened.” Our analysis of Bill 5 also concludes that it shifts power to employers, and to the government as an employer, at the expense of workers’ ability and right to strike. It is not ‘fair and balanced’ to take away workers’ right to strike, to limit work output, to withdraw partial services or complete services during the bargaining process. In fact, stripping away this right creates the opposite effect, because it removes a union’s power to leverage a settlement, tipping the balance unfairly in the employer’s favour. Workers cannot engage in free collective bargaining without the ability to withdraw their services if they deem it necessary. Removing the right to strike takes the “free” out of the concept of free collective bargaining . . . because it restricts unions’ ability to respond to unreasonable management demands, and because it uses punitive legislation to deny unions that option.

When unions have no ability to strike, employers have no incentive to bargain in good faith. If employers know that workers are powerless to withdraw their services, they can act in a unilateral fashion. Why would government want to encourage employers to behave in a way that increases discord and potentially increases abuses of power in the workplace? Furthermore, during the negotiating period, if employers know that unions cannot challenge the designation of who is essential, they are likely to overestimate the number of workers who they require to be at work during a dispute. This may have the effect of actually prolonging strikes, since there will be less incentive for an employer to settle if a high percentage of employees are working.

We wish to draw attention to the Canadian Union of Public Employees’ brief, submitted to the Ministry on February 4<sup>th</sup>. It draws on statistics provided by Saskatchewan Labour, Policy and Planning Branch, concluding that 95.5 per cent of public sector collective agreements are settled without dispute [that’s without dispute]. Why would we want to implement a Bill that would jeopardize such a high rate of freely negotiated settlements, agreements made without undue disruption and dispute? Why would we want workplaces in which free collective bargaining is compromised, when in a vast majority of cases, it works very well?

Judy and Larry Haiven, Canadian researchers specializing in a comparative analysis of labour legislation and health care strikes, reached the following conclusion:

. . . it is a fundamental principle in industrial relations lore, borne out by facts, that good labour-management relations thrive through voluntarism and wither from compulsion. The core of Canadian labour law compels union and management merely to recognize each other and to bargain in good faith. It does not usually impose an outcome upon them. This holds true for negotiations over the substance of a collective agreement, and it also holds true for negotiations over who should work during a strike.

Left to rely on their own expertise without excessive legal compulsion, the negotiating parties themselves

will fashion the most practical and workable solutions to problems where they are. Allowed to freely negotiate, unions are surprisingly practical and responsible. Negotiating and making agreements is what they do best.

We wish also to draw attention to the briefs of the Saskatchewan Union of Nurses and the Health Sciences Association of Saskatchewan, submitted on February 8<sup>th</sup>.

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

**Ms. Schriemer:** — Requesting leave to introduce guests.

**The Deputy Speaker:** — Is permission granted for leave to introduce guests?

**Some Hon. Members:** — Agreed.

**The Deputy Speaker:** — Permission granted. I recognize the member from Saskatoon Sutherland.

#### INTRODUCTION OF GUESTS

**Ms. Schriemer:** — Mr. Speaker, through you and to you, I would like to introduce guests from my constituency, Saskatoon Sutherland in Saskatoon. We have Maxine and Duncan South in our gallery, the west gallery, and their son Jeremy. I spoke of them earlier in the day. Hi, Jeremy. Thank you, sir.

**Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member for Regina Walsh Acres.

#### ADJOURNED DEBATES

#### SECOND READINGS

##### Bill No. 5 — The Public Service Essential Services Act (continued)

**Ms. Morin:** — Thank you, Mr. Speaker. It tends to be a mouthful, doesn't it?

We wish also to draw attention to the briefs of the Saskatchewan Union of Nurses and the Health Sciences Association of Saskatchewan, submitted on February 8<sup>th</sup>. The health care unions in this province have particular concerns about Bill 5 in light of the fact that our health care system is under stress and strain due to underfunding and labour shortages.

Health care workers must have a way of demonstrating that the conditions under which they work affect the quality of health care they deliver. Exercising their right to strike is an important way for health care workers to sound the alarm on a system that may be endangering public safety.

Under 'health care reform,' health care personnel are working harder, longer and more intensely than ever before. It can be said that these workers are a key

element holding together an overstretched system. They need a process to make their concerns known to their employers, the government and the public . . . For better or for worse, that system is collective bargaining, which includes, if necessary the threat of withholding their labour.

Careful observation of collective bargaining in health care has shown that health care employers and managers become less attentive workers' needs and less willing to negotiate when a strike threat is missing — the so-called 'chilling effect'. This is only natural. Employers faced with the possibility of work stoppage are more likely to take workers concerns seriously. Employers not faced with this possibility can be expected to turn their attention to the hundreds of other things on their plate. But allowing employers to evade the issues actually makes things worse by feeding the worker anger that produces strikes.

Unions cannot support a Bill that effectively takes away the right to strike for thousands of public sectors workers, workers who require that right in order to make their negotiations with their employers meaningful and productive and to protect the people they serve. Sound public policy should support, rather than erode the process of free collective bargaining.

Mr. Speaker, this legislation has no support from . . . I finished the brief, the SFL [Saskatchewan Federation of Labour] brief. Mr. Speaker. This legislation has no support from the workers of this province. They never asked for it. If the government had bothered to show them some respect and consulted with them before this legislation was introduced, they would have known that. Here for the record are the words of some of the unions to represent the workers that have been targeted. I'd like to read to you from the Canadian Union of Public Employees brief:

[13:00]

In December 2007, less than a month after being sworn into office, the new Saskatchewan Party government introduced two bills that it claimed would establish a "fair and balanced" labour environment. In reality, Bill 5 (*The Public Service Essential Services Act*) and Bill 6 (*An Act to Amend The Trade Union Act*) would tilt the scales overwhelmingly in favour of employers. Combined, these two pieces of legislation constitute the most aggressive assault on the labour rights of Saskatchewan working people this province has ever seen.

##### Bill 5 — Public Service Essential Services Act

Saskatchewan's proposed essential services legislation is the most far-reaching in the country. It will cover government employees, Crown corporations, regional health care authorities, Saskatchewan Cancer Agency, universities, SIAST, municipalities, police boards, and "any other person, agency or body, or class of persons, agencies or bodies, that is prescribed" by the provincial government.

Essential services legislation could very well prolong strikes since it alleviates pressure on both parties to come to a speedy resolution. It also does not guarantee the resolution of key workplace issues that lead to strikes in the first place. In a health care strike, essential service legislation could also result in even longer delays for elective surgeries.

Essential services designations that are imposed by governments and employers are typically excessive. In Manitoba, employers have designated groundskeepers and library technicians as “essential employees.” In Quebec, legislation designates up to 90% of hospital employees as essential, a proportion that sometimes require more employees to be at work during a strike than would ordinarily be present under normal conditions.

If passed, Bill 5 would take away the right to strike from thousands of public sector workers, which will seriously weaken their collective bargaining power. Without a possibility of a strike, employers have little or no incentive to seriously negotiate wages, benefits and working conditions with public sector unions.

A strike is always a last resort for trade unionists, especially public sector workers. Over the last two decades, 96% of public sector settlements in Saskatchewan were reached without a work stoppage, a figure that is significantly higher than the percentage of private sector settlements reached without a work stoppage [which is] (89%) during the same period.

The most effective essential services agreements are those that are voluntary. Public sector unions have always provided emergency services when health care strikes have occurred and in other disputes where public safety is a genuine concern.

I'd now like to quote from the Health Sciences Association of Saskatchewan brief, Mr. Speaker:

Before we move into offering feedback regarding the proposed Essential Services Legislation, we wish to offer some pertinent background to our remarks.

The members of the Health Sciences Association of Saskatchewan commit their lives every working day to delivering the highest quality of health care services to the residents of Saskatchewan. During the longest health care strike in this province's history in 2002 . . . [Health Sciences Association of Saskatchewan] members provided an ethically responsible, extremely high level of “Essential Service”. At times during this job action higher staffing levels were in place than what was typical during times of normal operation. More recently in 2007, 29 HSAS members (1% of the membership) were pulled off their job in order to prepare for the possibility of more wide spread job action. As in 2002 Employers blamed HSAS for a shutdown of facilities, cancellation of procedures and movement of patients to other jurisdictions even though in truth HSAS members were on the job and the actions taken by Employers during this period actually occur throughout the year every year.

These problems are actually caused by chronic under funding, short staffing, and ineffective delivery of publicly funded health care services.

We look forward to working with your new government on addressing these problems and also in making improvements to the Collective Bargaining process in health care which in our mind are much more important and foundational issues worthy of our mutual attention. These issues need to be addressed in order to ensure that the introduction of Essential Services Legislation does not cause more harm than good for the residents of Saskatchewan by leading to deterioration in the delivery of publicly funded health care services.

HSAS strongly believes that, while our health care system is good, it can and must be made much better. Legislation which empowers Employers to maintain a “business as usual” approach during a time of legal job action is legislation which will only harm the residents of Saskatchewan. “Business as usual” is not an acceptable practice when it comes to delivery of our most treasured public service — universally accessible publicly funded health care.

Pursuant to Section 2(c), the definition of “essential service” includes danger to “health”. This is potentially a very broad concept. We would ask your government to consider what is meant by this. HSAS believes that wait lists of a year or more for services, lack of post-operative therapy, and chronic disease management services are a danger to “health”. We believe . . . that these are “essential services” that are not being provided at sufficient levels currently in Saskatchewan. We would expect our new government to provide the necessary staffing and infrastructure investment that will improve the provision of these “essential services” on a day to day basis. This will go a long way to ensuring that Employers are not faced with the prospect of job action compromising their efforts to deliver health services.

In many jurisdictions it has been noted that Employers request and demand extremely high levels of “essential services”. HSAS believe strongly in the provision of “emergency services” and we are gravely concerned that the Employers in this province will use this legislation to demand services that exceed normal levels of staffing in order to ensure that they are not “inconvenienced” by job action. In the summer of 2007 Employers made numerous requests for services which are normally not provided by HSAS members. HSAS politely declined these requests. If Employers are allowed to make inappropriate and unreasonable requests, then certain outcomes are likely. Hardening of relationships between Employers and workers, ineffective and unproductive Essential Services negotiations, lengthier job action and service disruptions and increasing erosion of the retention and recruitment of health care professionals in the province of Saskatchewan.

“Prescribed services” are described and defined in Section 2(h) as those services “prescribed in the regulations”. Given that your government has not released any details of the regulations other than Section 21, which suggests



the Lieutenant Governor in council has sweeping powers to prescribe, define, enlarge, or restrict any word or expression in the Act; we are extremely concerned about the application of this Legislation. In other jurisdictions, illegal walkouts, withdrawal of all services, lengthy job actions, and reduction of services have resulted when arbitrary decisions have been made which did not fairly weigh the needs of all parties and ensure democratic processes surround collective bargaining, job action, and provision of services.

Also of note is that the Legislation tabled only gives provision to Unions to appeal the number of employees in a classification who shall be deemed “essential” to the Labour Relations Board. This may embolden and empower employers to make blanket requests of all classifications and place in the hands of the Labour Relations Board — who may have . . . [very] limited expertise in health care — the responsibility to attempt to ascertain acceptable levels of service and necessary levels of staffing. It is vital that these rulings be made by an independent Arbitrator with expertise in matters related to the provision of these vital services.

In closing, HSAS encourages Government to act responsibly and in the best interests of all residents of Saskatchewan. The health care needs of Saskatchewan, the needs of Employers and the rights of workers must be balanced in such a way that Collective Bargaining aspirations of health care professionals in Saskatchewan are validated. This will result in improved retention and recruitment of vital workers, improved health care services for the residents of our province, and a better Saskatchewan for all.

I’d also like to give a short presentation from the Saskatchewan Union of Nurses brief:

SUN is profoundly opposed to the enactment of *The Public Service Essential Services Act* (Bill 5), which strikes at the heart of the collective bargaining process in Saskatchewan. That process has led to the successful resolution of literally thousands of collective agreements in Saskatchewan over the last 100 years without Government intervention. Nothing has changed in the last 6 months that would suddenly warrant such a wholesale disassembling of the public sector collective bargaining landscape.

SUN’s position can be summarized as follows:

1. This proposed legislation would deprive SUN of fundamental bargaining interests, namely the right to bargain freely negotiated collective agreements, and the right to strike as part of the collective bargaining process;
2. This proposed legislation is unnecessary both because SUN has (and always has had) an extensive contingency plan to ensure the safety of patients during any job action, and because the professional obligation of SUN’s membership provide adequate safeguards for public safety; and

3. This proposed legislation is unprecedented in Saskatchewan’s history and has far-reaching implications for thousands and thousands of employees in Saskatchewan. As a matter of fundamental fairness at least, the Government must afford deep and meaningful consultation to those affected by such legislation (such as SUN), and the consultation to date has been minimal or non-existent.

Mr. Speaker, the Supreme Court of Canada has unanimously recognized the value of unions and their freedoms under our constitution and international law. The Supreme Court, in the leading case presented by my union organization several years ago, said this, in the case of RWDSU [Retail, Wholesale and Department Store Union] Local 558 versus Pepsi-Cola, nine judges came to a unanimous decision, Mr. Speaker. I want to repeat that. Nine Supreme Court judges came to a unanimous decision. I’d like to read a few quotes from that decision, Mr. Speaker:

Picketing, however defined, always involves expressive action. As such, it engages one of the highest constitutional values: freedom of expression, enshrined in s. 2(b) of the *Charter*. This Court’s jurisprudence establishes that both primary and secondary picketing are forms of expression, even when associated with tortious acts: *Dolphin Delivery, supra*. The Court, moreover, has repeatedly reaffirmed the importance of freedom of expression. It is the foundation of a democratic society (see *R. v. Sharpe*, (2001) . . . *R. v. Keegstra*, (1990) . . . *R. v. Butler*, (1992) . . . The core values which free expression promotes include self-fulfilment [page 173], participation in social and political decision making, and the communal . . . [challenge] of ideas. Free speech protects human dignity and the right to think and reflect freely on one’s circumstances and condition. It allows a person to speak not only for the sake of expression itself, but also to advocate change, attempting to persuade others in the hope of improving one’s life and perhaps the wider social, political, and economic environment.

Free expression is particularly critical in the labour context. As Cory J. observed for the Court in *U.F.C.W., Local 1518 v. KMart Canada Ltd.*, (1999) . . . [quote], “for employees, freedom of expression becomes not only an important but an essential component of labour relations” . . . The values associated with free expression relate directly to one’s work. A person’s employment, and the conditions of their workplace, inform one’s identity, emotional health, and sense of self-worth . . .

Personal issues at stake in labour disputes often go beyond the obvious issues of work availability and wages. Working conditions, like the duration and location of work, parental leave, health benefits, severance and retirement schemes, may impact on the personal lives of workers even outside their working hours. Expression on these issues contributes to self-understanding, as well as to the ability to influence one’s working and non-working life. Moreover, the imbalance between the employer’s economic power and the relative vulnerability of the individual worker informs virtually all aspects of the employment relationship: see *Wallace v. United Grain*

Growers Ltd., [1997] . . . Free expression in the labour context thus plays a significant role in redressing or alleviating this imbalance. It is through free expression that employees are able to define and articulate their common interests and, in the event of a labour dispute, elicit the support of the general public in the furtherance of their cause: *KMart, supra*. As Cory J. noted in *KMart, supra*, at para. 46: “it is often the weight of public opinion which will determine the outcome of the dispute”.

Free expression in the labour context benefits not only individual workers and unions, but also society as a whole . . . As part of the free flow of ideas which is an integral part of any democracy, the free flow of expression by unions and their members in a labour dispute brings the debate on labour conditions into the public realm.

[13:15]

Okay. Mr. Speaker, I think that this, that this brief from, these quotes from the Supreme Court of Canada decision speak very loud and very clear of the union’s necessity to having a right to strike. I respectfully ask the Sask Party government, Mr. Speaker, to, in an act of leadership which demonstrates respect for our workers and their unions in this province, that they send this legislation to extensive public consultation.

Why choose to pick a fight with the workers of this province, Mr. Speaker? Why choose confrontation instead of free collective bargaining? Why not promote peace in industrial relations? Why, Mr. Speaker, as stated by the SFL in its leaflet called *Our rights are essential* is the first thing the new Sask Party government did when it got elected was to introduce legislation to take away the right to strike, take away the rights from workers that they have enjoyed for almost 60 continuous years, Mr. Speaker?

Let the Sask Party government show that it’s really truthful about wanting to find fairness and balance in labour legislation by having extensive public consultations on Bill 5, Mr. Speaker. Thank you.

**Some Hon. Members:** — Hear, hear!

**The Deputy Speaker:** — I recognize the member from Regina Coronation Park.

**Mr. Trew:** — Thank you very much, Mr. Deputy Speaker. It is obviously my turn to stand and speak to Bill 5 which is titled An Act respecting Essential Public Services. Now, Mr. Speaker, I think calling this an Act respecting essential services shows little respect for people, men and women, who day in and day out do the essential work, work that is essential to the operation of Saskatchewan.

I think this legislation is again a new government with a one-tool tool kit, and that one tool is the sledgehammer. And I find that quite, quite regrettable because there may well be some purpose, some validity in having a discussion around what might be essential services, but when I speak of this Bill using a sledgehammer, Mr. Speaker, you needn’t go terribly far in it.

In their interpretations, for example, it says:

“**employee**” means an employee of a public employer who is represented by a trade union;

Well that’s everyone who’s covered. It sounds fairly innocuous on the surface of it, but then you head a little further down and public employer is defined incredibly broadly. This is on page 2 of the Act:

“**public employer**” means:

(i) the Government of Saskatchewan;

That’s fairly straightforward — if it were only to end there — that’s fairly straightforward, the Government of Saskatchewan, roughly 9,000 civil servants. Again, fairly, fairly straightforward.

Subsection (ii) of that: “a Crown corporation as defined in *The Crown Corporations Act, 1993*”. So now we’ve introduced all of the Crown corporations’ employees. Every single one of them is now covered under this essential services Act — every single one of them.

Well I don’t have at the tip of my tongue the numbers, but if there’s 9,000 civil servants, I’ve always operated under the belief that there’s a similar number of people who work in Saskatchewan’s Crown corporations. So all of a sudden now, we’ve got the number of people deemed essential having doubled, and that’s only on two out of 11 sub-indexes on what it means to be a public employer.

Subsection (iii) is, “ a regional health authority as defined in *The Regional Health Services Act;*” in other words all the health districts throughout the province — every single one of them.

And that seems to be the flashpoint that causes this because when we talk about health services in Saskatchewan, of course we think of someone having a broken arm or a heart attack or something that requires pretty straightforward, pretty immediate care if the outcome is going to be good. And nobody, I think, argues that those services are necessary.

The member for Regina Walsh Acres has pointed out that Saskatchewan has a very long history of people working in the health care service provision industry, if I can describe it that way, but people of all levels stepping up to the plate during what we consider work stoppages.

Now of course as employer, the health regions and the provincial government — Ministry of Health — have to make arrangements for patient care. And we shouldn’t lose sight of the fact, Mr. Speaker, that when you get to a work stoppage, a strike or a lockout, when you get to that stage you’re at a pretty stressful time. Goodwill is at a minimum and of course strikes are designed to hurt who? The employer, whoever that employer might happen to be. When you get into a strike, to be effective the strike has to hurt the employer.

To be effective, conversely, a lockout has to withdraw some cash to the employees. In other words, you might do a pre-emptive lockout of workers just to . . . Well the employer

would obviously feel that they're teaching the employees a bit of a lesson about who's the boss, who's really in charge there. And that can clearly happen. I'll come back to the health care system in a minute but that's just point (iii) out of 11 points of what public employer means.

So you can see, Mr. Deputy Speaker, that the definitions and the numbers of people included is just growing exponentially and there doesn't seem to be any containment to it. And that's really not an insignificant part of our concern on this side of the House, is this legislation looks like the government took out its one tool that they're most familiar with, and that's the sledgehammer, and here it is. It's their way or the highway.

Point (iv) of public employer is subsection (iv) is "an affiliate as defined in *The Regional Health Services Act*", so we want to make sure we catch all of the affiliates too is what the government is saying. Leave no stone unturned in who you describe as an essential service. Let's cover the waterfront, let's get every person we possibly can named as an essential service, and that way we can withhold the right to strike. That way we can emasculate the trade union movement; that way we can, contrary to all of the nice words about having fair and balanced approach.

It's like it would be something akin to me getting on a teeter-totter with my latest grandson — well either grandson or either granddaughter for that matter — it would be like me being on one end of a teeter-totter and them on the other end. You can tell just by looking at me I have them outweighed. It would be a very unfair ride for my grandchildren.

And that's what this legislation is doing for working people. It is equally unfair. It puts the heavy government on the one end and leaves the workers up in the air, leaves workers up in the air and in fact knowing that they are virtually powerless because Bill 5 has all of the apples, has all of the control, Bill 5 has all of the ability to prevent any essential, any work stoppage. It has the inability to provide any semblance of balance.

Oh the government says, oh trust us; we would use it only in the best interests of working people, of the public. Trust us, they say. To that, Mr. Speaker, I say, why would the public, why would any self-respecting trade union trust them? But why would the public trust them when we have examples of the now Minister of Health, then candidate for Indian Head-Milestone who's been an elected MLA for quite some time, but before and during the recent provincial general election, that member was saying, oh we don't see any need for essential services legislation. He was downplaying it before and during the election, all the while being supported by the MLA for Swift Current — now the Premier who won the general election — both of them, both those gentlemen were saying publicly, oh we don't think there's much reason for essential services legislation. It would not be one of the first things we would leap to. We would try many other venues, many other ways of dealing with people, many other ways of dealing with working women and men throughout Saskatchewan before we would bring in the heavy hand of Bill 5.

Well they didn't call it Bill 5 because they would have us believe before and during the election that there was no Bill 5 even contemplated. And yet here we are some four months and

a bit later, and we've got Bill 5. That's what we're faced with, Mr. Speaker, is the prospect of Bill 5.

Well let me move on from subset (iv) which is "an affiliate as defined in *The Regional Health Services Act*" to a further definition of public employer, which is subsection (v), which is "the Saskatchewan Cancer Agency continued pursuant to *The Cancer Agency Act*;" In other words, cancer workers I think is what that's intended to be, anyone providing services to cancer patients.

And nobody would argue that cancer patients don't deserve an incredibly high priority. And I want to point out that in the last two health service stoppages in Saskatchewan there were provisions made to take many cancer patients out of province. Many were treated in neighbouring provinces and even into the United States. Sadly I'm not going to pretend that everyone gets transported out of the province or everyone gets the service. There are calls made by medical professionals that would indicate that a person, it's not inappropriate for them to perhaps have to wait for an additional week or two and that the outcome should be just as good. It's not my call. It's not our first choice for anyone to have to make that call, Mr. Speaker, but that call does have to be made in the event of a work stoppage.

Now what's the alternative? I would argue it's not Bill 5. It's not what is called an essential services Act. An alternative would be to have a respectful relationship between the employer and the employees. We'll always do far better when there is a respectful, mutually respectful relationship where the employer can sit down and negotiate or discuss what its needs are. The union can sit down with that same employer and discuss what its needs are, what its desires are for its members, but where everyone is equal. There's no big stick. There's no sledgehammer hanging over anybody's head. There's always an opportunity to find something that will work out mutually advantageously and will work out in the public interest. That's very important. We've got long history of that.

[13:30]

But here we are. Public employee, public employer means, and I've got to five out of 11 of this ever-growing list of people that are covered under what it means to be employed by a public employer. The list just keeps broadening and broadening and broadening and that, by definition, should cause us to pause.

Because, Mr. Speaker, how can you have everyone as an essential service, everyone listed as employed by the public and potentially comes under the essential services Act, Bill 5, when you can have — I'll get to it — but you can have cabinet say, oh well, you're essential; you cannot withhold your services. You simply have to show up no matter what the rate of pay, no matter what the working conditions, no matter what the issue, you simply have to show up day in, day out, and there's no recourse, no legitimate recourse for you, that is a legal recourse.

Mr. Speaker, I want to move from sub (v) to sub (vi), which is the University of Regina. Okay. This is, public employer means the University of Regina. So now we have this broadened so that employees of the University of Regina are covered under Bill 5, the so-called essential services Act. Every employee, unionized employee, at the University of Regina covered under

this Act. My goodness, this is just ballooning out of control. This definition of public employer catches just about everyone.

Now we go past subsection (vi) which is the University of Regina, and we hit subsection (vii), and I think people can pretty much guess where I'm going there. That would be the University of Saskatchewan, based in Saskatoon. So every employee at the University of Saskatchewan is now a public employee under the definition of this Act. Every single unionized worker at the University of Saskatchewan falls under the essential services Act, this ever-broadening Act, this Act that defines who is covered in its . . . And this is just page 2 of the Act, Mr. Speaker — just page 2 of the Act.

Here we are. The numbers are just growing by thousands every time I hit a new subsection — growing by thousands — and that just defies logic. There is no possible way that all these employees can be deemed essential. And if we all are, if we all are, Mr. Speaker, then with a mountain of money — cash — \$1.3 billion, they've got a lot of ability to take care of that and to appropriately remunerate people who are working in essential services.

You cannot have it both ways. Oh we need you desperately, but oh we can't pay you. You cannot have it both ways. Oh we need you desperately, but we won't respect you as an employee. Oh we need you desperately, but it's our way or the highway. You cannot operate that way in the long term.

In a crisis situation, Mr. Speaker, absolutely. In a genuine and real crisis, people respond. We're Saskatchewan people. We roll up our sleeves and we'll just jump in and do whatever it takes to get the job done. But what's the crisis? What is the crisis? Where's the public consultation? None of it. There's no evidence of any of that having taken place.

There is evidence. There's written copies of speeches made before and during the recent provincial election saying things that were very calming; saying, we don't see essential services legislation being necessary. Well actions seem to speak a lot more clearly than words do, Mr. Speaker. The actions of the government are very, very clear because here we are debating Bill 5, which is the essential services Act, would be the short title.

I want to move on from sub (vi) which is the, public employer means. I want to move on from the University of Saskatchewan to sub . . . I said sub (vi), that's sub (vii) is the University of Saskatchewan. I sure wouldn't want to confuse any of us about which sub is what.

I want to move to subsection (viii), which . . . And this will be very little surprise to many of our friends that are in the Saskatchewan Institute of Applied Science and Technology in its various campuses around Saskatchewan, in its various campuses around Saskatchewan.

But here we are adding literally thousands more people — thousands more instructors, thousands of more support workers, thousands of more people in administration, in our applied science and technology institutes all around the province. People that are delivering training for working women and men, for primarily young people but as you know the trades

encompasses people of most ages and in fact we encourage people to train and to retrain and to retrain again.

But that doesn't necessarily mean that everyone that works there is providing what is deemed as an essential service. Not everyone there is, but under this Act everyone who works at the Saskatchewan Institute of Applied Science and Technology is by definition employed by a public employer and that means they're covered under this Bill 5, Mr. Speaker — every single one of them. Every single one of them.

Mr. Speaker, I want to move, just dash right past (viii), subsection (viii) to (ix).

There's only eleven subsections so I ask members to have a little bit of patience here in this, Mr. Speaker.

But because the point I'm making, and it seems to have been, the point seems to be missed by members opposite. Every time I add, read one more list here — one more list — the number grows by thousands, literally thousands of people who are covered under the definition of public employer and it increases by thousands the number of people that the new government's cabinet can simply say, they're essential. You have no ability to withhold your services; you are not an equal; it's our way or the highway. And that's a very, very dangerous precedent. And it's a precedent that they're trying to set having given all assurances to the contrary short months ago. And that's perhaps even more scary than everything else.

Just short months ago, Mr. Deputy Speaker, they were saying, no we don't contemplate going into essential services legislation. Short months ago they were saying one thing publicly, and now here we are some four months later, and we're discussing Bill 5. And we're discussing it in the absence of any reasoned discussion. We're having, we're having . . .

**An Hon. Member:** — Certainly from that side.

**Mr. Trew:** — Well we have the Minister of Labour who is listening, clearly, and that's at least a hopeful sign. Maybe we're making some progress.

Mr. Speaker, we have a government that is saying they're going to introduce some amendments. Well tell us what the amendments are. For heaven's sakes, you just introduced the legislation and already they're acknowledging it's flawed and it needs some amendments. Well it seems to me they're moving with an awful lot of haste.

Why don't we, why don't we try something fairly novel? Why don't we refer this out to the public, because any piece of legislation that affects so many people, that affects so many people, Mr. Deputy Speaker, it should withstand public scrutiny. There's very few people that I would trust more than the general public to weigh in on this and to say whether this is necessary legislation or whether it's not.

We have a saying on the farm, you know, where the rubber meets the road. Well the public knows where the rubber meets the road. The public understand at a level that we seem to all too often lack in this legislature, all too often. We're sitting on this side trying to urge that we have some semblance of sense.

Let me dash on from point (viii) to point (ix) of what it means to be a public employer. Remember each point adds thousands of people to the list of employees, of unionized employees that are covered under this Bill 5.

Point (ix) says simply, “a municipality,” a municipality. Well we’ve got municipal employees all over Saskatchewan, all over. In our cities we have hundreds, probably thousands, in the cities. And then not to count, not to count RMs [rural municipalities] and hamlets and villages all across Saskatchewan, we have added many, many people into what the definition of public employer is, just by this one point (ix) which seems designed to catch everything.

Dashing right along, we hit point (x), which is “a board as defined in *The Police Act, 1990*” — “a board as defined in *The Police Act, 1990*”. Now we’ve added a whole new level of people covered under Bill 5 as public employees.

The point of this seems to be, Mr. Speaker, to draw that everyone that is employed even loosely by public taxpayer dollars, even loosely, is a public employee. Certainly I say even loosely because point (ii) of this was our Crown corporations as defined by The Crown Corporations Act.

Well that means even in the Crowns like SaskPower, SaskEnergy, SaskTel, SGI [Saskatchewan Government Insurance], which are Crowns that make money in their own right, that make their money primarily from the provision of services, that people who subscribe to those services — those of us who get power and telephone services from SaskTel, insurance through SGI, certainly Auto Fund, and those of us who heat our homes with natural gas or heat our hot water with natural gas or any of the other uses — those people . . . I mean that’s not a case of taxpayer dollars. That’s a case of users funding those Crown corporations, those commercial entities. And yet, and yet here we are with all of these employees being covered under the essential services Bill 5, all of them falling under public employees.

So now we get to who’s missing. Who’s missing under this definition of public employer? Who’s missing? Well now subsection (xi) kind of, kind of catches anybody that might have been inadvertently missed. This is the catch-all. It is subsection (xi): “any other person, agency or body, or class of persons, agencies or bodies, that is prescribed.”

And who does the prescribing? Cabinet, the government, cabinet — that’s who does the prescribing. Any bodies, any entity, any agency, any class of persons that is prescribed. So there we have it. There we have it in a nutshell, Mr. Speaker, the definition of public employer which literally — really literally — catches everybody in Saskatchewan. It catches everybody here, and it says to people of Saskatchewan that the government has the right to use the big hammer.

[13:45]

The government has the right to unilaterally say your work is essential. You have no obligation but to show up tomorrow morning or whenever you’re scheduled, your shift is. You have no right to do anything other than to show up, and it matters not what our working conditions are, it matters not what the pay is,

it matters not what your supervisor or your boss might say or think or do to you and about you. None of that matters because we have unilaterally, the government has unilaterally said you’re an essential service. All the people of Saskatchewan run the risk of being declared an essential service.

This is why, Mr. Speaker, we’re trying to get the government, if it’s such a good Bill, just take it out to the public. Let the public pass its comments about it: what’s good, what’s bad, what’s needed, what’s not. Let them have a say. Let’s do the consultation because the consultation should have been — and this is probably the most offensive part of it — the consultation should have been in the run-up to the last general election.

But, but there was deceit, there was a lack of clarity as we see it now because we had the now Premier, the now Minister of Health saying publicly, oh we don’t anticipate essential services legislation. We don’t think that there’s a problem. We think that there’s an ability to work with unions in the public sector. We think they’re happy to work with us, said Sask Party members. We think they’re good people, happy to work with us, so why would we contemplate, they said, the hammer, the sledgehammer. And that’s what we’re trying to ask is why would you contemplate the sledgehammer.

Why on earth, Mr. Deputy Speaker, would any new government with all of the goodwill that the Sask Party came in with, all of the goodwill and the good wishes . . . I refer you to my first speech after the general election where I wished the incoming government well. And I was far from alone but with all of the good will that this, that this administration brought with it to the table, why on earth wouldn’t they have at least tried that.

The question that might come to mind, Mr. Speaker, is what’s the crisis that’s happened in the little more than four months that the Sask Party has been in government? Well let’s see now. Is there a health strike? No, no health strike. I thought that was the big flash point — the health. But no, no strike. Were highway workers, have they struck? No, no strike in highway workers.

My goodness and here we are. It’s in April, we’re . . . Actually I read the other day, 5 per cent of our snow comes after the first day of spring. So that’s, that’s the average — 5 per cent comes after the first day of spring. So we might have a day or two of snow yet. We might have that. Got to be, got to be careful, I hear government members chirping, got to be careful.

So on the offside chance that there is a storm and on the even more remote chance that SGEU [Saskatchewan Government and General Employees’ Union] highway workers will be at a point of withholding services . . . not withstanding there’s no threat for them to withhold services today or in the near future, the immediate, foreseeable future. There’s no threat of that. But not withstanding that, what’s the government’s response? Bring in the sledgehammer. Let’s declare highway workers an essential service. Let’s declare health care workers an essential service. Let’s bring out the sledgehammer. Let’s just go at it . . . is what their attitude seems to be.

If it’s essential, Mr. Speaker, that highway workers be declared essential workers, we’ll tell them. You know why I say that? Highway workers, highways workers are relatives of mine and

of many of us here. Highway workers are friends of mine and many of us here. Highway workers have voted for members, both sides of the House. Highway workers have voted for members on both sides of the House. And you know what I predict? No matter what happens with this Bill 5, Mr. Speaker, I predict that highway workers are going to continue that pattern in the future of not voting unilaterally for one party or the other or a third or other alternative. I think people of Saskatchewan are going to think now who is it that best, best represents me? Who is it that I think I can trust?

But I can tell you on this issue of trust, this essential services legislation does very much undermines the new government's position, Sask Party's position with workers. It makes workers not want to trust the new government because it's a matter of unilaterally withholding abilities.

Now I'm going to move on to page 3 of The Public Service Essential Services Act, Bill 5, and this one I find most interesting. It's section 5 which is, Crown bound. And it's very short and very straightforward. It says, "The Crown in right of Saskatchewan is bound by this Act."

Well workers, I'm sure, are quaking in their boots at that because this Act says that cabinet gets to name who's essential, which workers have to go to work. Cabinet is bound by their own choice. My goodness, Mr. Speaker, hurt me bad. Cabinet — imagine that — bound by their own decisions. Holy smokes, what a hardship, just about impossible to get past that one.

Mr. Speaker, I've tried to make the point throughout my speech so far, that working women and working men deserve respect. Working women and working men get up, and they work as diligently as they possibly can to try and deliver health care, highway services, birth certificate services — in terms of our public service, does so, so many things. I mean you could just almost start anywhere and just rattle off what happens, and those are delivered by, somewhere, a public service employee in the province of Saskatchewan. And those 9,000 people do it, just by and large, do a terrific job.

I'd love to tell you, Mr. Speaker, that every single instance where a member of the public emails or writes a letter or picks up a telephone and actually has a . . . or has a face-to-face interaction with the civil service, that it turns out perfect right away. That, I mean, that, that just isn't the real world.

We all have interactions, be it in stores . . . or maybe we're trying to trade a vehicle and we can't deal with a particularly hard-to-deal-with salesperson. You know the fact is, life goes on. And the fact is that when we have a dealing with a civil servant and it doesn't turn out as good as we would like it to, there's the next person that you can talk to. And we always get things sorted out.

But I'm saying that not to detract from the point that 9,000 women and men day in, day out do terrific service on behalf of the Government of Saskatchewan. They did terrific, terrific service on behalf of the Government of Saskatchewan when it was a New Democratic Party government, and we valued, respected, appreciated the work that they did. I want to right now say thank you to those public servants who did that work while we were in government. And I want to thank them for

continuing to try and do the job while the Sask Party is in government.

I had spoken about the cabinet and the government being bound by this Act, Mr. Speaker. I want to refer to Part III section 4 which, I'm going to read it first and then discuss it. It says,

(4) If at any time the public employer determines that more employees are required to maintain essential services and there is no essential services agreement concluded between the public employer and the trade union, the public employer may serve a further notice on the trade union setting out:

(a) the additional number of employees who must work during all or any part of the work stoppage to maintain essential services; and

(b) the names of employees who must work.

And that what I've been really saying earlier, Mr. Speaker, is under Part III, section 4, subsections (a) and (b), really this Bill 5 says that cabinet can name any and everybody. Cabinet can say oh the list of people that we had previously said was necessary to maintain essential service isn't good enough. That previous list isn't enough, so we now are going to name more people. We're now going to name ever more.

This is a Bill that puts all of the control in the hands of cabinet, all of the control in the hands of the government, Mr. Speaker. And that's what we're, in part, objecting to. Our objections come in several ways. One, as I've pointed out, the now Premier, the now Minister of Health, both repeatedly before and during the election saying, oh we don't anticipate the need for essential services legislation. That was before and during the general election.

And what a shame that is, Mr. Speaker, because the public have a right, the public have a right to trust us. They have the right to trust the MLA for Kindersley. They have the right to trust the MLAs from everywhere else. What we say before and during an election should be consistent with what we say after the election. Always, always should be, always we should try our absolute best to be as consistent before and during an election as we are after.

Now you can't, the government members can't use the argument that they were ill-prepared or that somehow they fell off the turnip truck the night before the election. The Sask Party nearly won the previous election. The Sask Party have claimed to be a government-in-waiting for two terms now, two terms — one that the conventional wisdom had them winning. Well conventional wisdom was wrong, and New Democrats formed a government in 2003.

But in 2007, that was the second go-round, and quite frankly it didn't come as much a surprise to many of us, who won that election, didn't come as a surprise at all. We could see the writing on the wall. We could see that the Sask Party were saying all of the things that were resonating with the general public throughout Saskatchewan far and wide, saying many things that resonated. And my fear or my anger is that they were saying some things that they clearly didn't believe.

That's the mistake. That's where our democracy suffers. That's where the people of Saskatchewan have every right to stand up and say, what changed in the last four months? Is it some threat of a health strike? No. Is it some threat of a health care worker strike? No. Is it some threat of SGEU walking off the job? No. In fact the only thing that's happened in the four months, there was SGEU's own unionized staff, and SGEU had their own problems, have their own problems that they've worked to separating, to resolving.

[14:00]

Mr. Speaker, I want to slide on to Part IV, which is "under obligations of employees." Subsection (14) says, "No essential services employees shall participate in a work stoppage against his or her public employer." So there we have the obligation of employees not to participate in a public work stoppage against their public employer.

So cabinet gets to say who's essential. Cabinet sets the definition that is all-encompassing. And if that all-encompassing definition of who is a public servant isn't big enough, they get to name more. They get to add more. They get to add more, Mr. Speaker. And then, then there's a prohibition against these very employees from conducting any withholding of work against their employers.

Mr. Speaker, we have a situation where we've got An Act respecting Essential Public Service, Bill 5, that desperately is crying out for an opportunity for the public to comment on, for the public to see. Again I say, if it's good legislation, it'll stand the test of time. Everything that we do that's worthwhile in our lives, if it is in fact good, there will be people that are going to stand up and say it is good, it is necessary, it is something that we should proceed with.

Conversely if it is not something that's in the public interest, you will have people stand up. And I predict you'll have no shortage of people standing up and saying this legislation is wrong-headed. This legislation takes out the sledgehammer. This legislation is unduly harsh on working women and men, on 9,000 direct employees. That's under subsection (1) of what it means to be a public employer; that's the Government of Saskatchewan. That's not speaking to the other 10 subsets. Just one subset is 9,000.

This legislation, Mr. Speaker, needs to go to the public. This legislation needs to have some balance introduced into it.

Earlier I spoke of the lack of balance. I spoke of a teeter-totter quorum, and we've got the heavy government sitting on one end and employees helplessly up at the other end of that teeter-totter up in the air with no ability to get down other than to jump off the teeter-totter, but no ability to get down. And we have a government that is saying, it's our way or it's the highway — simple as that. Our way or the highway.

Mr. Speaker, we live in the best of times, and we live in the worst of times. It's the best of times because the new government of just over four months inherited \$1.3 billion unanticipated wealth — 1.3, a mountain of money, \$1.3 billion. Mr. Speaker, if ever there was an ability for an incoming government to address ongoing concerns or concerns in the

public service, no government has ever had more ability to do so than this incoming Sask Party government. No government in Saskatchewan's history has ever been blessed with \$1.3 billion extra cash available for them to spend however they want.

And I point out this isn't just about money. It's about working conditions. It's about respect. It's about mutually trying to agree to get a job done. It's about working together. It should be about fostering . . . our working careers should be about fostering new working relationships. It shouldn't be about how do we build up walls or how do we build up sides where it's us-them — you know, good people versus bad people — because life should be much, much more than that.

Mr. Speaker, I pointed out that this so-called essential services Bill is not essential to anybody except for the incoming government. For some reason the new incoming government thinks that this essential services Bill 5, this essential services legislation is essential. But to whom? To whom? Only to them and their narrow agenda.

That's who this Bill is essential to because there's no . . . I'm not inviting people to necessarily call, but I do report I have not had a single call at my constituency office where somebody has called and said, oh we need Bill 5 passed. We need essential services legislation for the civil service and anyone and everyone who could possibly be defined as a public employee. I just haven't had that phone call. Not once have I had that phone call. So we have in Saskatchewan a long history of labour legislation that has become ever more sophisticated, Mr. Speaker.

We have found ways of acknowledging that, whether we're part of management or whether we're part of an organized union or whether we maybe aren't represented by a union but we have an employer-employee relationship. We have consistently throughout Saskatchewan, recent decades, we have tried to introduce progressive legislation. We have tried, Mr. Speaker, to be ever more sophisticated. We've tried to find ways of respecting one another and working together. That's really what has been the centrepiece of good governance for decades now.

And I think the proof of the pudding is that the new government has inherited the hottest economy in all of Canada, just a very hot economy. We've got absolute record levels of unemployment. We have got people coming into Saskatchewan in record numbers. We've got a population that's growing. We've got an economy that's growing. We've got so many things coming our way, so many things. It's Saskatchewan's turn to shine, Mr. Speaker, and yet the new government seems to want to put a black eye on it all.

It seems to want to say, oh but we don't trust our civil service. Oh but we don't trust our health care professionals. Oh but we don't trust women and men to deliver necessary services. We don't have any, any trust. That's what they're saying through this Bill. That's what they're saying through their actions. That's what they're saying every day and in every way. And that is a shame because this legislation can be summarized by the Sask Party as it's our way or the highway. It's heavy-handed. It's draconian.

Many have argued, Mr. Speaker, that this essential services legislation is amongst the most far-reaching legislation in all of Canada, all of Canada. We have a situation where teachers come under it, education authorities come under this essential services legislation. One would expect that you'd have some broad belief that health care workers, not all, but there should be some provision for certain health care services to be provided even through a work stoppage. We don't want lives threatened, but that's not the situation.

Mr. Speaker, I want to talk a little bit about this. I just realized that one of the things I've neglected to speak on is essential services which . . . and I refer you to page 2 of the Act: "(c) 'essential services' means services that are necessary to enable a public employer to prevent," and then there's a list of things that this essential services means, services that are necessary to prevent a public employer to prevent "(i) a danger to life, health or safety."

Life, health or safety — well does that mean that when a speed limit sign falls down or someone calls for a new speed limit sign to be put up, there's a safety matter? Right? There's a safety issue, clearly, by this. But surely that's not what the new government is contemplating. Surely they're not saying that somehow there's some immediate threat or danger to life if one of the 110 kilometre-per-hour signs on Highway 11 between Regina and Saskatoon comes down. Or surely we're not saying if a 90-kilometre-speed sign on a tertiary highway in Saskatchewan comes down that people won't realize that the speed limit's 90. I mean, that's just absurd, and yet clearly there's a safety issue involved.

These are things that we have objection to, that we know that the public should have the right to pass comment on. We know that there are concerns around this Bill 5, Mr. Speaker.

I want to go to subsection 2(c)(ii) on the essential services, which sub (ii) says, "the destruction or serious deterioration of machinery, equipment or premises." Well that's a pretty broad statement, very, very broad statement. Does that mean that normal maintenance like a lube job or an oil change on a vehicle is somehow now an essential service? Now it's an essential service. And the Minister of Labour says I'm straining, Mr. Speaker, but it's not my legislation. We've got questions, and the public have questions that should be, that should be answered. The questions should be, the questions should be answered. And if this legislation is as good as the government thinks it is, all we're asking is take it out and let the public make comment on it.

I'm sure there's going to be probably hundreds of people, maybe thousands, that will say this is good legislation. Minister, this is good legislation. You should pass it. Well you know what? Give those people the opportunity. Give them the opportunity to say yes. Give them the opportunity to say yes.

Mr. Speaker, destruction or serious deterioration of machinery, equipment, or premises, so without normal maintenance like a paint job, does the building fall apart? How quickly does that happen? What's covered under essential services, Mr. Speaker? There's all kinds of questions under here.

Subsection (c) (iii) under "essential services" means, "serious

environmental damage." It says, reads, "serious environmental damage." Well are we talking about what comes out of the tailpipe of vehicles every day, or are we talking about what comes out of Boundary, Coronach, Shand power stations every day? Are we talking about emissions? Water emissions? Sewage treatment that cities, towns, hamlets, villages introduce into the environment every single day, Mr. Speaker? What do we mean here? What's the government mean when it says, "essential services"? Means services that are necessary to enable a public employer to prevent ". . . serious environmental damage . . .?"

What do they mean? Well I've said before that they've got an all-encompassing list of people who are essential to deliver, to protect against this — whatever this threat might be. They've got a long list of people that they've named that are essential. And if that list isn't long enough, if somehow they've missed somebody, they simply name the additional people they've missed. Add another one or add another 100 or another 1,000. It doesn't seem to matter. That's what Bill 5 seems to be all about.

Mr. Speaker, under subsection (c) "essential services" I'm now hitting subsection (iv). I'll read it in totality so it makes some sense here:

[14:15]

(c) "essential services" means services that are necessary to enable a public employer to prevent . . .

(iv) disruption of any of the courts of Saskatchewan;

Well we certainly, certainly wouldn't want for parking tickets, we certainly don't want parking tickets to have to wait an extra day for their day in court. Mr. Speaker, it's absurd. It's absurd to think that every court is necessary at every particular minute, is an essential service.

**The Speaker:** — Order. I know that at times the debate can become tedious, but it's only right to respect the members' ability to stand and express their opinions. The member from Regina Coronation.

**Mr. Trew:** — I thank you very much. Thank you very much, Mr. Speaker. I want to just summarize, before I take my place, some of our concerns around this public services . . . An Act respecting Essential Public Services, Bill 5. That's how it's titled.

And, Mr. Speaker, I've drawn the fact that it's a case of a new government that campaigned before and during the election — recent election about four months ago, a little better than four months ago — saying they didn't need essential services legislation. That's what they said then. Now they're saying something completely different and the proof is in the pudding; we have Bill 5 before us.

So wasn't needed before but now it's all of a sudden is essential. It's just critical to the Sask Party that this Bill be passed. We're saying that in light of them having been duplicitous, at least at minimum, in saying one thing before and during the election and doing something completely different some less than four months later, in light of that, Mr. Speaker,



we're saying the public should have every right to pass judgment on this, to make comment on it. We need an opportunity to take this Bill 5 out to the public.

We need . . . [inaudible interjection] . . . And the member says there's 55 per cent in favour — 65. Is that the percentage that the Sask Party won in the last election? Let's assume that's right for a second, Mr. Speaker. But all the more reason that my argument holds water because before and during the election they were saying, we don't need essential services legislation.

So what are the public, what's the voting public supposed to think? They're supposed to think, don't need essential services legislation. If they don't think we need essential services legislation, surely they don't have it up their sleeve. Surely they don't have a Bill 5 prepared. Surely they don't have essential services legislation at the ready to table as soon as the House starts meeting.

Mr. Speaker, I don't care what the percentage that Sask Party members garnered in the previous election. They were saying one thing before and saying something completely different by their actions today. So the public has every right to pass comment on this legislation, to say whether it's good, bad, or indifferent. They have every right to say this is too all-encompassing.

Mr. Speaker, I have done my very best to outline some of my concerns, concerns that people who are near and dear to me have with this draconian Bill. We could end this, you know, if the government would simply agree to go out to public consultation on Bill 5. Let the public have its open, fair, honest consultation — end of story. Whatever comes then, that's what comes. But in the meanwhile we're trying to put up a stopgap stop to this legislation, because it's not legislation that they said they wanted.

Mr. Speaker, it has been my honour to be able to stand up on behalf of my constituents and my family, my friends, people that I hold very near and dear to me. It's been an honour to speak against this Bill 5. I take my place with that.

**The Speaker:** — I recognize the member from Regina Northeast.

**Mr. Harper:** — Thank you, Mr. Speaker. Mr. Speaker, it is truly an honour for me to rise and have the privilege of addressing this particular Bill on behalf of fine folks of Regina Northeast. It's truly a privilege. It's once again, Mr. Speaker, one of those situations where I actually wish I didn't have to address this Bill. I actually wish we didn't have to talk about legislation that's being proposed that will rip away the rights of working men and women. I wish we didn't have to talk about that, but unfortunately, Mr. Speaker, we do.

It's interesting. The point that my colleague was making earlier is so very, very correct and so very, very right is that we have a government very early in its mandate — four or five months into its mandate — that has already set a track record, I guess you would say, of being willing to say one thing when it's convenient to them and then do something else when they finally get into power.

It was reported widely, reported widely in the media prior to the last election, the comments of the member from Indian Head-Wolseley, now the Minister of Health, on this very topic, on this very topic of essential legislation. When asked by the media that if the Sask Party were to form the government, would they consider introducing essential services legislation, he categorically stated that no, they would not. It was his opinion and that of his party, so he says, that it wasn't necessary to introduce legislation because the same could be achieved through negotiations as has been in the past. As it has been done in the past.

Well, Mr. Speaker, we soon seen, very soon we seen that that wasn't the case, that that wasn't the case at all. They quickly, quickly when they became government, quickly moved to introduce essential service legislation in Saskatchewan. A clear, clear indication, Mr. Speaker, that that party over there and that government now are willing to say one thing and do another.

During the election campaign my Sask Party candidate in my constituency was going around and because my constituency is made up very heavily of working men and women, he would of course be met at the door by many of these folks with their concerns. And one of the concerns that the working men and women of my constituency had during the election campaign was, if there was a Sask Party government in Saskatchewan, what would this mean to labour? What would they do to labour? Well my Sask Party candidate, door after door after door, when hit with this very same question, his response was, oh we wouldn't touch labour; we're not going to do anything to labour. We're just going to continue on with the very positive atmosphere around labour that exists today.

Well, Mr. Speaker, that's absolutely not the case. We see here already Bill 5, and soon later today we'll be talking about Bill 6, which are two Bills that were brought in very early in the mandate of this government with one intentions, and one intentions only, and that's to strip away the rights of working men and women. And I find this so very, very hard to understand why, Mr. Speaker, really understand why. Is because never, never has there a withdrawal of services where those working people haven't put up committees to address the emergencies, to address essential services when it has been required in the past. But this Act, this essential services Act will require that the unions and the employers negotiate which services are essential before job action takes place. And then if they can't agree, they can't agree upon what is essential services, then the employer will have the right to deem whatever is essential services.

If the union and the employer can't agree, then the employer will decide which services are essential, how many people are required to maintain each service, the names of the people who must work. In other words, Mr. Speaker, what this is doing . . . And the members opposite will say there is no way that they are eliminating the right to strike. And technically I suppose that is correct, because they are not eliminating the right to strike, they're just eliminating the right of the workers to participate in the strike.

So they're saying to the workers, you can strike as long as you stay on the job. You can strike as long as you're at work, but you can't demonstrate, you can't demonstrate your desire to

look at such things as safety in the workplace, such benefits to ensure that the families of working men and women are able to participate in a meaningful way in our economy, that they're able to enjoy a disposable income that will bring them an adequate and reasonable living standard.

Mr. Speaker, the question that often arises in this debate is, who is essential? Now I have had the opportunity to discuss this with many people in the general public, and when you mention essential services, at first blush people say, well yes, I'm in favour of essential services. And I say, well that's fine but who do you think, who would you consider as essential? Well the response is virtually always the same. It's well policemen because of safety factor; I want to be sure that if I find myself in circumstances that I need to call the police that I know that a policeman will be available to come to my services and to meet my needs because we want to ensure that they're not on strike and not withholding their services, that they are available to the public on a 24-hour basis. And, Mr. Speaker, they are and they always have been.

Then you ask, who else do you see as essential? Then they say well, firemen. We need to be sure that firemen are essential because we never know when we might need their services. We hope we never do. We really hope our friends and our neighbours never ever need to have a fire truck visit their establishment, their home, or their residence because of a fire. But you never know. You just never know when that might happen.

So you'd say, those people are essential. But outside of that, the degree of being essential sort of weans pretty quickly, except, Mr. Speaker, except in the eyes of that government over there.

Who do they say is essential? Well it begins with all government employees. They're saying that all government employees are essential. Then they're saying that all health care workers are essential. Then they're saying employees at the University of Regina and Saskatchewan, SIAST, are all essential, all essential. Then they're saying all municipal employees are essential. And then, then the real kicker is, the government may add anyone else, at any time, to that list.

That means, Mr. Speaker, that say a construction site . . . say well let's perhaps use the co-op upgrader here in town. Let's suppose the co-op upgrader is closed down for a refurbishing, and there comes an issue on the job of occupational health and safety. The job site may not be safe. The workers do not want to work in that atmosphere. They want to have the ability to render the job site safe, and so they have a disagreement between the contractor and the employees, between the co-op upgrader and the employees that are providing the services.

That disagreement could potentially result in a walk off or a job stoppage, labour walk off, labour dispute on that site. If the government deems it, they can just say, that job site is essential services and you do not, you do not have the right to strike. Mr. Speaker, this is a wide-ranging, wide-ranging legislation that I wonder for what reason. What reason?

When you look at the past of history, and history is a great teacher . . . Somebody once said that our history is a road map to the future, and if we would look at our history, we could

learn from our mistakes and move forward in a very positive way. So when we look at the history of job action within the public service here in Saskatchewan, we find that 96 per cent of all public contracts, 96 per cent of all public contracts are settled without job action. Ninety-six per cent of all public contracts are settled without job action, and yet we have legislation here that's coming down on the rights of working men and women like a sledgehammer. I wonder why. I wonder why.

[14:30]

It makes you wonder, Mr. Speaker, what is the hidden motive here? What is the real agenda? Why is it that this government has so seen fit to go after this particular part of our working society and actually set it up so that everyone in our economy, everyone in our working society is subject to their heavy-handedness and subject to their ability to deem them as essential and force them into a situation where they no longer have the rights to negotiate with their employer?

Saskatchewan's essential services legislation is the most far-reaching in the country. And it's obvious, Mr. Speaker, if you take a close look at this legislation, a real close look at it, you'll quickly see that it is, it really is a legislation that has no bounds to it. I mean it's all open-ended. And it leaves all the power, all the power in the decision-making process in the hands of the government, in the hands of cabinet — which is even narrower than the government, Mr. Speaker.

This is to me, it is scary. It is scary when you have, in a democratic system you have an elected government that was elected democratically and by the majority of people — I give them credit for that — but when you have that government elected in a lot of ways under false pretences because what they said during the election campaign, what they said leading up to the election campaign, is certainly not reflected in their actions after they come out. That, that, Mr. Speaker, that, Mr. Speaker, becomes scary.

It becomes scary that you have men and women who can do a 180 so quickly, so quickly that in fact I think maybe some of them even got whiplash when they turned around from what they were saying prior to the election to what they were saying during the election to what they're actually doing today.

Mr. Speaker, it is to me amazing that they have decided to pick on the people who are the engines of our economy. It's the working people of our province, it's the working people of this province that drive the economy. When they earn a reasonable living and they're able to support their families well and have a little disposable income, they spend it.

And these aren't the people like the members opposite who may spend the bulk of their money elsewhere other than in Saskatchewan — they may be spending it in New York or Hawaii or Hong Kong or wherever they may happen to be going, but — the bulk of the people here in this, particularly in my constituency, the working people spend all their money here. They're raising their families here. They're paying their mortgages here. And they're taking advantage of the services that are here.

So their money is spent here. Their disposable income is spent here. And it's that, expenditures by those good folks that drives our economy, that causes our economy to move forward in a positive way. They spend their money here. They perhaps have their children in sports — in hockey, in soccer, and so on and so forth. So they spend money on that. They purchase their goods and their services right here in this province, right here in the city of Regina. They spend their money on that.

Mr. Speaker, it's those people who are driving our economy. It's those people who are so important to our economy. And yet these folks are picking on them. They're wanting to strip away their rights — their rights to earn a reasonable and decent living — by denying them the ability to negotiate with their employer.

Mr. Speaker, Saskatchewan's proposed essential legislation is far-ranging, the most broadest of anywhere in the country. It covers government employees, Crown corporations, regional health authorities, Saskatchewan cancer agencies, universities, SIAST, municipalities, police boards, and any other person, agency, or body or class of persons, agencies, or bodies that is prescribed by the provincial government. In other words, anyone.

Anyone in our society, any organization in our society, any project in our society can be deemed — by that narrow band of men and women over there called the cabinet — as essential services, stripping away their rights to ensure that they have adequate and safe working conditions, to ensure that they have adequate and safe benefits, and to ensure that they have the ability to negotiate with their employer.

**An Hon. Member:** — They don't have to worry. Government MLAs aren't an essential service.

**Mr. Harper:** — My colleague just made a very interesting comment and it's very much to the fact that MLAs, particularly government MLAs, are not essential services.

Essential service legislation could very well prolong, Mr. Speaker, essential services legislation could very well prolong strikes. It could prolong labour unrest. It could prolong strikes simply because it takes the pressure off both parties to come to a speedy resolution. It takes the pressure off, it takes the pressure off both parties — both the employer and the employee — to come to a speedy resolution of a labour dispute. It also does not guarantee that the resolution of the key issue that perhaps caused the labour dispute in the workplace that led to the strike, or led to a potential of a strike in the first place, there's no guarantee it will be resolved. It can sit there and simmer and simmer, and gnaw away and gnaw away, and digress the working conditions and the atmosphere in that job place. It's not a plus, but it's a negative.

In a health care strike, essential service legislation could also result in even longer delays, even longer delays, of the elective surgery list — a list, Mr. Speaker, that we're starting to see signs of growing under this government.

Essential services designations are imposed by government and employers are typically excused from it.

In Manitoba, employers have the designated groundskeepers

and library technicians as essential services. In Quebec, legislation designates up to 90 per cent of hospital employees are essential, and that sometimes requires other employees to maybe working during a strike situation would ordinarily be present under the normal conditions.

Mr. Speaker, we have in the past, we check our history and we will see that in Saskatchewan we have had health care workers who have withheld their services in order to drive their point home to their employer in regard to whether it be compensation for the services that they provide or the benefits that they think they are due, or just bring themselves into line with the services that their members provide in other provinces. And they have had that ability to do that.

But every time it has happened, every time it has happened there has been a committee set up by the employees that have provided essential and emergency services when required. There has never ever been a situation where a loss of life or a very negative effect on a human being's health in this province, a person's health in this province has been caused by the withholding of essential services. That is not the case, Mr. Speaker, not the case at all in the past.

Bill 5 has taken away the right to strike from thousands of public sector workers, which will seriously weaken their collective bargaining powers. Mr. Speaker, simply put, simply put, Bill 5 now weakens, weakens the collective bargaining powers of the working men and women, working men and women. They no longer will have the right to be able to sit down and negotiate in a fair and equitable way, on a level playing field with their employers. Without the possibility of a strike, employers will do little or have little or no incentive to seriously negotiate wages, benefits, and working conditions with the public sector unions. They simply will not have any initiative to sit down . . . any incentive, rather, to sit down with their employees and negotiate — negotiate a fair level of wages, of compensation for the services provided; for a fair benefit package, to be competitive with those other jurisdictions; and to negotiate safe, quality working conditions in their job place. There will be no incentive to do that.

So then what you have is a poisoning of the atmosphere. The productivity will likely not be there simply because you create an atmosphere where quite frankly it's not friendly. It's not a warm atmosphere. It's not an atmosphere where people want to go to work.

And I've experienced that in my life, Mr. Speaker. I've worked in various jobs and various workplaces, and I have worked in some that have been a real delight to work in — friendly, warm, where you had employer that was understanding and fair, and you enjoyed going to work. You looked forward to going to work, and in fact the productivity in that atmosphere was very high — very high.

I've also experienced having just the opposite, working in an atmosphere where it was soured. It was soured over time by the decisions being made by the employer and the methods in which he or she was treating their employees. And that atmosphere was soured. It was a place where you didn't want to go to work. You actually dreaded going to work, okay. When you got there it was bitter, bickering, discontent, and it was not

a productive atmosphere. We did what we had to do, but certainly the productivity wasn't what it could have been, what it could have been.

Mr. Speaker, strikes is not something that the working men and women, our labour force across this province jump at with great haste. In fact strike is a last resort. It's the last meaningful tool that labour has to drive its point home to its employer, but it's not a tool that they use with great haste, and it's not a tool that they enjoy using at any time. Strikes is, quite simply put, always, always is the last resort for a trade union. But it's even less used and less urgency to use it by public sector workers.

Over the last two decades 96 per cent of public sector settlements in Saskatchewan were reached without, without work stoppage — a figure that is significantly higher than the percentage in the private sector settlements reached without work stoppage at 89 per cent during that same period.

So that's very evident, Mr. Speaker, very evident that there is full co-operation by the public sector workers in this province when it comes to negotiations and when it comes to providing the services during those negotiations. And often those negotiations go well past the time of a contract being in place, but they're reluctant, they're very reluctant upon withholding their services and that's evident that over the last two decades, over the last 20 years in this province, 96 per cent — that's 96 per cent — of the public sector settlements in Saskatchewan were reached without job stoppage.

That I think is something that is a testimonial to the professionalism of the workers that we have in this great province and how they feel a part of, a part of this province, and how they take ownership for the programs and the services that they provide to the folks of Saskatchewan on a daily basis. And I want to take my hat off to that, Mr. Speaker.

The most effective essential services agreements are those that are done on a voluntary basis. Public sector unions have always provided emergency services when health care strikes have occurred and other disputes in regards to the public safety were of genuine concern.

Mr. Speaker, I think if you just look at the history of the last 20 years, the last two decades where we have enjoyed 96 per cent of public sector settlements without work stoppages, withholding the services, we see that very small sliver, that 4 per cent when it did happen, as rare as it was, when it did happen, essential services were still provided. Still provided to the people of this province by the employees because they felt, they felt the need to provide that services, but also because they feel so much a part of this system and so much a part of this province and that they're simply professionals that provide those services when required.

Mr. Speaker, Bill 5 is a Bill that is simply designed for one purpose and for one purpose only, and that is to weaken the trade union movement in this province, to take away their rights. This is a battleground. This is just fulfilling a promise of the Premier. The promise that the Premier had made several years ago — when on a talk show, when asked about where the Sask Party's position was on organized labour — the Premier had no problem, had no problem in saying that if and when the

Sask Party ever became Government of Saskatchewan, one of the first things they would do, one of the first things they would do is to go to war with labour.

[14:45]

Well, Mr. Speaker, they are doing . . . they have that . . . [inaudible interjection] . . . The member over there says it's not true. Well it's part of public record. It's part of public record, Mr. Minister, and, Mr. Member. And, Mr. Speaker, they are going to war with labour, and one of the first volleys in that war is Bill 5. One of the first frontal attacks is Bill 5.

But, Mr. Speaker, you know, I find it interesting and quite nervy of the government to be willing to expose themselves right off the bat as an anti-union, anti-worker government by doing a frontal attack on labour.

And if you look at history, Mr. Speaker, whether it be the history in North America or whether it be the history of Europe and North America, most recent history, you will see that often, often the history of different countries — not so much Canada I'm proud to say but certainly in North America and certainly in Europe — a history of violence and the history of battles and the history of military actions, military battles, military wars. And it has been a practice in the past, probably in the 16's and 1700s, and that the battle then was a frontal attack where the enemy was on one side of the ridge and the good guys was on the other side of the ridge, and they would crawl up and they would meet them. They would . . . a frontal attack. They would face each other. They would either use their muskets or their bayonets or their swords or whatever it is to combat with one another and then whoever was left standing won.

Well, Mr. Speaker, it was soon discovered by those who were a little sharper, a little smarter military tacticians that a frontal assault never worked. A frontal assault never worked. So I'm kind of pleased to see, Mr. Speaker, that this government has decided to take a frontal attack on labour, to rally up the hill and take labour on nose because I can guarantee you one thing, Mr. Speaker, it's not going to work in the long run. Yes the government because of its might, because of its majority, because of its might, might win a battle. They might even win two battles, but I can guarantee in the long run they won't win the war.

Mr. Speaker, Saskatchewan's public service legislation Act applies to every public employee and employer, every trade union, every employee. The public employer is defined to include the Government of Saskatchewan, Crown corporations, regional health authorities, Saskatchewan Cancer Agency, University of Saskatchewan, University of Regina, SIAST, municipalities, police boards, and any other person, agency, or body, or class of persons, agencies, or body that is prescribed by the provincial government.

So what does this mean? It means that within the cabinet lies the authority and the power to deem anybody — any group, any site where there are people working — as essential services. It gives them the power to determine in this province who is essential services.

Now it may not even be, it may not even be the public sector.

They can say that this particular operation, job site, workplace in the private sector has a direct relationship to the economy and therefore has a direct relationship to the government, and therefore they have the ability to deem it as essential services. Mr. Speaker, this is a very broad distribution of power, very broad.

We're seeing that that group, the men and women over there are going to — if this is passed — are going to enjoy wide-ranging powers over the workplace in our great province. If they really believe, Mr. Speaker, if they really believe that this is good legislation, this is good for the economy of Saskatchewan, this is good for the people of Saskatchewan, then I ask, why do they fear to take it out to public consultation? Why do they fear the public having the opportunity to voice their concerns?

Why are they scared to turn this over to an all-party committee of the legislature? — which we have, which we have. The field policy committees are all standing committees of the legislature, all parties of the legislature. Why wouldn't they allow those committees to take this legislation to the broad public and ask for their input, to ask for their input? Ask the good folks out in Saskatchewan, who by the way are going to be affected by this legislation front and centre. Why don't they ask them what they think of it?

Quite frankly, Mr. Speaker, if the majority come back and say they're in favour of this legislation as it is, as it is today, then fine. The people have had their opportunity to speak. The people have had their opportunity to put their opinions forward and if they're in favour of it, then fine.

But if they're not, then let's amend it. Let's amend it to make it workable, workable for the people of Saskatchewan. But until we know, until we know what it is those people want . . . Because this government has failed to do any consultation. They have not taken this out to the folks. They have not taken this out to the stakeholders. They have not taken this out to the people who are going to be affected on the front lines of this day in and day out. They haven't done that, Mr. Speaker. So we're asking them to do that. That's all we're asking. That's all we asking. Just take it out to public consultation. Let the good folks of Saskatchewan, and in all fairness, let the good folks of Saskatchewan have the opportunity to voice their concerns.

It would seem to me, Mr. Speaker, that if I had a product that I was very, very excited about and I thought it was a very, very good product, then I would be willing to share that product with the people of Saskatchewan and hope they would buy into it. Well if this government has a product and they're calling it this particular Bill, Bill 5, if they believe Bill 5 is a product that people of Saskatchewan want, it's a product the people of Saskatchewan would support, then I ask you, take it out to the people of this province and get their blessings, get their blessings. But if you don't, then I ask you to ascertain from the people of Saskatchewan what it is they want . . . changes, what changes they want made, so that this Bill can be of a benefit to them and have a positive reflection on them and their needs.

Five provinces and the federal government have essential services legislation, while Ontario, Alberta, Prince Edward Island banned strikes and lockouts altogether in the health care workers in favour of binding arbitration. In Ontario ambulance

workers have the rights to strike, but are covered by essential services legislation. Saskatchewan and Nova Scotia are currently the only provinces without essential services legislation.

Well, Mr. Speaker, it's worked pretty good up till now. When we look at the history in this province, when we look at history, only 4 per cent, only 4 per cent of the public sector services collective bargaining agreements have ever, ever, ever resulted in a strike. And when that has happened — as rare as it is, when it has happened — the employees themselves, in concert with the employers, have put together the teams that are required to provide those emergency essential services when called upon.

This particular piece of legislation, Mr. Speaker, if passed, Saskatchewan's essential services legislation will be the most far-reaching in the country. Unlike other jurisdictions, those legislative primary targets of health care, police, firefighters, with the strike ban and essential services legislation in Saskatchewan — proposed legislation would cover universities and other post-secondary institutions as well. Very broad. Probably . . . no, absolutely the most broad-ranging legislation of anywhere in Canada.

Other provinces have forms of essential services legislation but nothing as broad as what's been proposed here, and nothing with the open-endedness that gives cabinet the power, the absolute power to deem anybody, anywhere, any organization, any job site, any workplace in our province as essential service. That is far-ranging, far-ranging powers and it opens the door, it opens the door to abuse. It opens the door to abuse of working men and women. It opens the door to abuse of our working people in this, in our great province of ours by a small band of people who are in cabinet. It opens that to that abuse, Mr. Speaker.

While the above public services are very critically important, it does not follow that they are all essential in the same sense as they are necessary to prevent danger of life, health, and safety. Mr. Speaker, that's the difference. Essential services, if you have a framework to build essential services on and you can indicate in some manner, shape, or form that some service is . . . and the withdrawal of that service could be a danger to life, a danger to health, or a danger to safety, then perhaps an argument can be made. But when you have legislation that has as the back door the escape clause of allowing the government to add anybody, anyone, any industry, any job site, any workplace, any group of men and women in this province as essential — add them to that list and say, you are essential services — then that simply, simply is a government that's trying to cling to a power base here that will allow them to manipulate and intimidate the people in this province.

The right to strike is a fundamental right of all workers, and it's a very important part of the free, collective bargaining process. Without the possibility of a strike, employers have little or no incentive to seriously negotiate wages, benefits, or working conditions with the employees' union. They have no incentive to negotiate.

As I said earlier, striking is not something that a working people use with great haste. They don't. It's something they only use as the absolute last resort when they've been unable to negotiate

with their employer a fair and reasonable settlement, whether it be compensation for the services they provide, whether it be of benefits that bring them into line with other jurisdictions, what workers are receiving in other jurisdictions. When this has all failed, when there has been no other resort available, then they'll go on strike. They will withhold their services. They will send a strong message to the employer that they're prepared to sacrifice because that's what they do.

In a strike, the working men and women sacrifice. They sacrifice themselves and their situations and in many cases they sacrifice the welfare of their families simply to send a message to the employer that they, as working people, have the right to enjoy a fair and reasonable compensation for the services that they provide. And they do that for future generations because those people who are participating in that strike, even if they get the settlement that they're hoping for, at the end of the strike, at the end of the day, even if they get the settlement they're hoping for, in most cases — in most cases — never, never make up for what they've lost.

But they do it because they know the importance to working people today and to the working people of the future, the importance of maintaining the ability to send that strong, strong message to the employers of today and of the future.

[15:00]

In a recent landmark ruling, in fact it was so recent it was June 8, 2007, the Supreme Court of Canada confirmed that the bargaining process is protected, is protected under the Charter of Rights and Freedoms. The collective bargaining process is protected under the Charter of Rights and Freedoms.

Well I wonder, I wonder if the Minister of Labour, and I wonder if the cabinet of the Sask Party government opposite and I wonder if the members of that government were aware of that, were aware that the collective bargaining process is protected under the Charter of Rights and Freedoms. If they were, maybe they would have done a double clutch and re-thought their assault, their assault on the rights of working men and women in this province through Bill 5.

As the Chief Justice stated in their rulings:

The right to bargain collectively with an employer enhances human dignity, [labour and] liberty . . . of . . . [the working people] by giving them the opportunity to influence the establishment of workplace rules and thereby gain some control [some control] over a major aspect of their lives, namely, their work.

According to some legal analysis, the Supreme Court's decision sends a very important signal to governments, that they must consider the collective bargaining rights of workers before they enact legislation that may negatively impact upon those rights.

Well that's exactly what we're seeing here, Mr. Speaker. We're seeing legislation that — the proposed legislation — if passed, will certainly, certainly smack right in the face of the rights of the working people. A subtle assault, a subtle assault, Mr. Speaker, on the rights of working people who had . . . That it was not given to them. It's something they have earned over the

years. It's something that they have earned over, over the sacrifices of working men and women throughout the decades past. They've earned those rights. They weren't given to them. They've negotiated those rights. They've worked for those rights. They have given up things to achieve those rights. And what do we have, Mr. Speaker? We have a government here that is not in power for six months, and it wants to strip away those rights of working men and women who have earned that over decades, Mr. Speaker, over decades.

And yet we have seen in this province, we have seen in this province the loyalty of Saskatchewan working people. We've seen the loyalty of people who work for this great province of Saskatchewan. We've seen that loyalty in their willingness to negotiate and settle without work stoppage in 96 per cent of the cases. In 96 per cent of the times, they settle without job stoppage. It's only that narrow 4 per cent, Mr. Speaker, narrow 4 per cent, and even that, this government wants to strip away those rights.

In addition to strengthening collective bargaining rights, the right to strike in a public sector serves as a very important function: "As management professors Judy Haiven and Larry Haiven have pointed out, 'the right to threaten or implement a work stoppage is the only effective mechanism workers . . . have to warn employers and the public of . . . [impeding] problems.'"

Mr. Speaker, that is why I said earlier working men and women, working men and women don't rush to a strike. The public sector men and women do not rush to a strike. A strike is something they only use as a last alternative, the last alternative. It's not something they'd use right away. Why? In the public sector, I like to think, it's because the people that work for this great province and work for the Government of Saskatchewan and work here in Saskatchewan love this province. They do everything they can to make it operate as well and effectively and efficiently and as smoothly as possible.

But yes, on rare occasions, on rare occasions when they're unable to make headway in their negotiations with their employers, they have to, they have to draw attention to the issue. They have to draw attention to the issue, and they do that through a strike. They're sending a warning not only then to the employer. Not only is the employee sending a warning to the employer, but they're also sending a warning to the general public of this province that there's a problem and that problem needs to be addressed.

The overwhelming majority of public sector contract settlements are reached without a strike, without a lockout. During the period 1987-2007, 96 per cent of public sector settlements in Saskatchewan were reached without work stoppage. This figure is significantly higher than the percentage of private sector settlements reached without work stoppage during the same period of time at 89 per cent, at 89 per cent.

Mr. Speaker, in Saskatchewan, health care unions have always agreed to voluntarily providing emergency services prior to or during job action. For instance, prior to the six-day strike by 12,000 health care providers in 2001, CUPE signed a volunteer agreement with Saskatchewan Association of Health Organizations regarding essential services situation. Mr.

Speaker, before they went on strike, before those health care providers went out on strike, they made sure, they made sure that they had staff — their members — staff available to meet the needs in emergency situation so that no one, no one would suffer undue hardship in this province.

Over the last two decades, union members have also volunteered to provide emergency services in the following strikes.

During a one-day strike by CUPE health care workers in January 1999, CUPE health care workers — such as lab and x-ray technicians, engineers, and IT [information technology] technologists — were required to be on call and were on call. During their 1999 province-wide strike, members of the Saskatchewan Union of Nurses provided emergency services as they did, as they did during their 1988 strikes and 1991 strikes. So those services were provided. Health care workers, though on strike, had a team together identified prior to the strike to provide those essential services, those emergency services so no one, no one in Saskatchewan was at risk.

During the 1999 strike by SGEU, members at the Saskatchewan Cancer Agency, every staff was left to work to provide essential services. Every staff was left to provide essential services. Mr. Speaker, this speaks well of the fine, loyal people we have working for us in Saskatchewan. I believe, Mr. Speaker, they should be given a bouquet and acknowledged for their efforts, not trod upon as this government is about to do through Bill 5.

During the 2006-2007 strike by members of the SGEU public service and government employees unit, highway workers returned to their snowplows and sand trucks to help deal with the upcoming winter storm. Mr. Speaker, they were out on strike, and they could have stayed on strike, but no, the forecast was for a severe winter storm coming through their province and what did those fine folk do? They rallied to the call. They rallied to the call. They — absolutely every one of them — went back to work to man the snowplows and man the sand trucks in the event that storm did strike, that nobody, nobody in the motoring public in Saskatchewan was at risk because all of the snowplows and the sand trucks were out there doing their job, as loyal employees as they are.

Mr. Speaker, during the 2007 strike, CUPE Local 1975 reached a voluntary agreement with the University of Saskatchewan that allowed 20 members to provide essential services at the Western College of Veterinary Medicine, serving the needs of our rural Saskatchewan producers who maybe during that period of time might have had a severe incident with their livestock population, their livestock herd, whether it be cattle or horses or sheep. But these producers could have lost thousands and thousands of dollars if some health problem was to arise in their herd and there was no way to address it, no way to identify it through the veterinarian system. These workers, these workers did not go on strike. They stayed on the job and provided the emergency services and the essential services in the event that such a situation was to hit our livestock industry.

Public sector unions take public safety seriously. That's why public sector unions have volunteered to provide emergency services when they have had no other option but to resort to job action.

The proposed Public Service Essential Services Act, which could very well strip most public essential services' rights to strike, represents a clear case of overkill. This Act treats every negotiations as if a strike or a lockout was absolutely next on the list, which is not true, Mr. Speaker, which is simply not true. And that is verified if you look at our history. For the last two decades in Saskatchewan, 96 per cent of all public sector negotiations has resulted in a contract being put into place without work stoppage.

The public services essential Act threatens to roll back the free collective bargaining process for thousands, thousands of public sector workers. In this sense the legislation will serve as a useful mechanism for the provincial government to club, to club future real-wage gains and benefits to improve the public sector workers, mostly whom are women. When you look at the population of our public sector workers, you find that the highest percentage of women, and this legislation is indirectly or perhaps directly taking aim at the women within our workforce or our public sector.

Mr. Speaker, I find it just unbelievable that this government would move in such a direction so fast, so fast after becoming elected here in the province of Saskatchewan. Within . . . I was going to say within months. Actually it was probably within weeks of becoming government. They introduced legislation that certainly has set out the parameters of the war that they have declared on the working men and women of Saskatchewan. And, Mr. Speaker, I can assure you one thing. When the opportunity comes, I will not be supporting this legislation. Thank you.

**Some Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Regina Douglas Park.

**Mr. Van Mulligen:** — Thank you very much, Mr. Speaker. Mr. Speaker, I want to just talk for a few brief remarks in this debate, and I know that'll be applauded by all members when I use the words brief. The public, those that are tuning in, Mr. Speaker, the issue we're discussing is Bill No. 5, and Bill No. 5 is an Act respecting essential public purposes.

The Act is intended to assure the continuation of public services whose absence during a strike or lockout would constitute threats to health, safety, result in the destruction of property, environmental damage, or disrupt court operations. That's what the Bill is intended to do. Public services in the Bill are quite broadly expressed to include of course the Government of Saskatchewan, the Crown corporations, a regional health authority, an affiliate as defined in The Regional Health Services Act because in addition to regional health authorities, there are affiliate organizations that also provide health services. The Saskatchewan Cancer Agency is a central agency that is specifically defined, the University of Regina, the University of Saskatchewan, the Saskatchewan Institute of Applied Science and Technology, a municipality, a board as defined in The Police Act, and here's a catch-all — “any other person, agency, or body, or class of persons, agencies or bodies, that is prescribed.”

[15:15]

That is a very broad definition of public employers that could potentially provide essential services. My colleagues have made reference to this that this is likely among the broadest if not the broadest interpretation of public employees in all of, or public employer, in all of Canada. It's a bit of a stretch to consider what essential services when we talk about the absence of which or would constitute threats to health, safety, result in destruction of property, environmental damage, or disrupt court operations might actually be provided by for example, the University of Regina.

I understand that there might be a special case at the University of Saskatchewan where the University of Saskatchewan is the employer with respect to certain health care services but the Act does not specifically define that portion of the University of Saskatchewan that provides such services. It goes much broader than that, and it's a bit of a stretch actually, these public employers that might actually be providing essential services. To also say that any other person, agency, or body or class of persons, agencies, or bodies that is prescribed as a catch-all, you wonder whether this is something that the government should simply be able to do by saying this is a group we're going to add or whether that it is something that should be debated in the Legislative Assembly.

Now I know that the minister opposite has said oh there's a specific agency that provides services to people with disabilities that wants to be added as an employer under this Act, that providing essential services and perhaps that should be considered. But the question is, should that simply be the right of the government to define who those public employers are, or those agencies or bodies that provide in their view essential services, or whether that's something that should be debated in the Legislative Assembly.

And so if the government wants to dissuade the public, the people of Saskatchewan, that this is not in fact one of the . . . an Act that has the broadest interpretation of a public employer that provides essential services, then here's an opportunity for them to take out the words "as prescribed" and to say that this is something that can be included in future legislation, so that we can all have a debate about what it takes to be included as an employer that provides essential services, Mr. Speaker. So we'll wait and see what the government wants to do on that. But certainly, here's an opportunity for them to clarify, set the record straight.

The public might be wondering, well I agree with the notion of essential services, that there should be some protection for the public when it comes to essential services. What is it in this Bill that is different than the situation that exists now? How does this work?

Well as the Bill points out that 90 days before the expiration of a public service collective agreement, the Bill states that the employer and the union must meet, must meet and attempt to reach an agreement on what constitutes essential services. So the idea is that the union and the employer will sit down before a contract expires. And these contracts are usually for a year, two years or even three years now. And the idea is that before that expires, you sit down; you try to define what are the essential services going forward that need to be covered by an agreement, and who are the employees that should be covered

by such an agreement.

And that sounds on the face of it very fair and very reasonable, except for one little thing. If agreement can't be found, well the employer can simply state these are the services that in their view need to be covered; these are the employees that should be providing that service. And if the unions don't like it, they can go to the Labour Relations Board, Saskatchewan Labour Relations Board, to get a ruling as to what employee should or should not in fact be covered by an essential services agreement.

But you know, inexplicably, inexplicably there's no role for this outside body for this Saskatchewan Labour Relations Board, this third party, to look at the question of what essential services should be covered. We heard many times people make mention of how in Manitoba, somehow in their essential services legislation, groundskeepers have been included. Now I know that groundskeepers provide valuable services, Mr. Speaker, but I would not necessarily go so far as to classify those as essential services.

So for example what could happen here is that the health district might say, well you know it's very important that we keep the parking lot going during the dispute. And we can't have the parking lot shut down, because if people can't park at the hospital and they can't go visit the people in the hospital, you know it might affect their health if they don't get those visits in a timely fashion. So therefore we want to include that as well as a public service.

Well you know, that's the kind of interpretation that an employer can put on this that's not subject to any discussion at the end of the day, not subject to any further review by an outside body. You know the outside body can say, well you should have one or two parking attendants, but not this third one because that one can come from management. But there's no opportunity here for a third party to question what it is that the employer in their view is saying is needed in terms of essential services.

So when people are critical of this Bill, they are very critical of this one-sided opportunity by an employer to define what is in essential services. There is no opportunity as such for employees to say, well we don't agree that this service is essential, and here's our reasons why we don't believe that it's an essential services, and to have this third party to adjudicate and say, well we agree with you.

But no, Mr. Speaker, this is one of the reasons that there has been a great deal of debate and argument about this . . . [inaudible interjection] . . . And my colleague from Regina Rosemont certainly feels strongly about this, and is interjecting in this debate for good reason because many people are very concerned about this legislation, very concerned about this one-sidedness, one-sidedness of this legislation, one-sidedness where there's no opportunity for a third party to adjudicate as to what services an employer wants to have included as essential services at the end of the day.

And here's an opportunity, I think, for the government, as we go forward into committee, through amendments to clarify that they don't mean this, what is actually contained in the Bill.



Here's an opportunity, I think, for the government to clarify their intent. Here's an opportunity for the government to ensure that this is not a one-sided piece of legislation, that this is a piece of legislation that serves all of the people of Saskatchewan.

You know, I think, Mr. Speaker, that if you were to ask people generally the question, do you support the concept of essential services, that if there's a strike in an important public sector, say in the hospital sector, do you believe that there should be essential services defined so that if there is something of an emergent nature that that will be looked after, I think most people say well we agree. I mean who's not to agree with that? We all agree with that.

But, you know, are there problems with this Bill as it's constructed, the way that it's constructed now that in fact may work against the interests of the public? But that's not something that the government is exactly letting people know about. They're not, for example, pointing out that there may well be less pressure on parties to settle an agreement because essential services are covered.

So here you have a situation. You've got a public employer. You've got employees. The employer says these are the essential services. They're quite broad. You know, here's the employees that are covered by that, but there's, you know, the employees that are not covered by that. You know, they might say, well we might . . . the only real opportunity we have as opposed to the breadth of our action is to have a longer action. And for the non-essential services, that might in fact create some issues at the end of the day.

What do we mean by non-essential services? For example, hip and knee surgeries. Those are not essential surgeries or essential services as such. Those are surgeries that can be postponed and quite often are postponed. If surgeries of a more emergent nature are presented at a hospital, hip and knee surgeries may get delayed. For example if there's a major accident or if there's a major flu or if there's a major epidemic in Saskatchewan or in one of our cities, a hospital may say we simply need to have those beds to deal with the emergency that's before us, and therefore we need to delay hip and knee surgeries because those in the main — not exclusively, but in the main — can be delayed. Well so it is with essential services legislation.

If you take the view, as my colleague, the member from Regina Rosemont does, that this — you know, and I heard him talk about this — that, you know, that when you ease the pressure, when you ease the pressure, and because all the essential services are covered, you may well have a situation where there can be longer delays. There can be longer protracted withdrawal of services for the non-essential services, and therefore create situations where hip and knee surgeries, as an example, can be subjected to even longer delays.

And finally there's no guarantee of course that there won't be a withdrawal of services simply because you have essential services legislation. We see from other jurisdictions in BC [British Columbia] where teachers, I think, are an essential services, but nevertheless because of extenuating circumstances, they've withdrawn their services. 1988, Alberta nurses, I think, as a group are classified as providing an essential services, and

they nevertheless in 1988 withdrew their services, and so it was with some CUPE hospital workers in Ontario in 1981.

So you know, there's no guarantee that services won't be withdrawn by public service workers simply because you have the legislation. To be sure, there are very significant penalties in the legislation for any union that supports that or any individual that supports that, but as we see from history, there are cases in Canada where services have nevertheless been withdrawn.

So are there problems with this Bill? Yes, there may well be problems with this Bill if there's less pressure on parties to settle, and we see non-essential services like hip and knee surgeries being subjected to even longer delays. Will it create . . . certainly in terms of that, there will never be an issue? No, the Bill can't provide that guarantee.

So why enact essential services, Mr. Speaker? Very good question. You know, Saskatchewan as a province has now existed for 103 years, and as an organized entity was operating before that as part of the North-West Territories going back to the 1800s.

[15:30]

Our experience in Saskatchewan has been that where there are disputes — and not necessarily essential services, not necessarily essential services — but where there are disputes that show no sign of resolution and, for example, there could be a potential danger to the public as was the case in 1999 when nurses were ordered back to work in Saskatchewan. Could be an economic impact that concerns the government — for example, the government of the day ordered dairy workers back to work in 1984. Could be a matter of extreme hardship. There was the issue of University of Saskatchewan students that were affected in the late 1980s where the government ordered everyone back to work so as to ensure that students weren't going to lose a whole year which would be an extreme hardship as a result of that strike. So the legislative option is always there.

The legislative option is always there and it can be done very quickly if need be. I know that people look at the Legislative Assembly and . . . I know my colleague from Regina Rosemont does, that maybe this is a bit of a cumbersome institution. But, Mr. Speaker, history would show that if there's a need to recall the legislature immediately, that can be done in a matter of hours to deal with any issue of essential services or any issue of disputes.

So what are the actual issues vis-à-vis essential services that demand this change? That is a very good question, Mr. Speaker. And you know, when I ask this . . . You know, usually you get, when you make remarks in the Chamber, you get lots of kibitzing going back and forth. You have members on the opposite side who want to heckle the remarks that are being made.

But when I put this question, what are the actual issues, what are the actual demonstrated issues vis-à-vis essential services in our history that demand this change — you know that commercial, Mr. Speaker? Have you seen that on TV? It's by a courier company — I think it's FedEx — where, you know, you

have a group of employees and one poses a question, well how do we get this parcel, how do we get that to Germany. And then all the employees stand around and say, you know, they stare off into space, and they look puzzled, and no one really has an answer. And someone says, geez maybe we'd better have a complicated process to review this. We call that a FedEx moment. Well when I asked the question what are the actual issues vis-à-vis essential services that demand the change posed by this legislation, I see the members opposite having a bit of a FedEx moment, Mr. Speaker.

Was it a campaign commitment that is causing the government to act in this way? Well, you know, was it the government, for example, saying this is something that we promised the people of Saskatchewan, and therefore we need to make good on our promise, wrong-headed as it might be? We understand that. It's something they campaigned on. It's something they said to the public, and the public said, yes we agree, and therefore you should do it. Is that the case here?

No. To the contrary we had in fact a member of theirs shortly before the election saying to the public, when asked about a work withdrawal or withdrawal of services, potential withdrawal of services in the health sector, indicated that no, we don't need essential services legislation. This is something that can be argued out by the parties, and they can resolve this without any essential services legislation. So you'd hardly call that a campaign commitment to now come in to do exactly the opposite of what you said prior and during the campaign.

So it's not that, Mr. Speaker, that is at stake here. And, you know, I take the point of view that, given that urgency has not been quantified, has not been demonstrated nowhere, given that this could poison labour relations, and people might say, well what difference does that make to me, well when you think about it that if you have a grumpy group of service providers who have been ordered back to work and have not been given the opportunity to argue in a democratic way if you like, in a free way for what they should be paid for those services . . .

And I use the word democratic because, you know, that was . . . I think all of us remember 25, 26 years ago when we had Polish shipyard workers in the city of Gdańsk in Poland, the Solidarity union arguing for their right to bargain collectively as a union. And we all applauded that and said, that's a good demonstration of what democracies are all about, that when we give workers the right to argue their own case in settings so, you know, this could poison labour relations.

And you really have to ask, how does that benefit us in terms of . . . You know, we should always be looking to see what we can do to improve democratic functioning in our society as opposed to lessening democratic functioning in our society.

So we have to ask how that benefits anyone. And on a very more direct level, how it benefits the public to go to someplace where, you know, public services are provided and workers are not happy, morale is poor, the services aren't being provided the way that they should be because the government has acted in some unilateral way to deny them their rights. So you know, it could poison labour relations. And how does that really benefit anyone?

And given that it may actually mean there's less pressure to settle disputes and create even longer delays in non-essential services, given that, I think that this Bill should be taken out for public discussion and consultation. I take the point of view that this Bill, you know, again . . . Because it's not something that was promised during the election campaign. It's come on sort of after the campaign as an initiative by the government.

And given all of the ramifications that might be there for the public, I think the public has a right to know what this Bill is all about. And more than, you know, this one-sided debate here in the Legislative Assembly where the government won't stand up and argue their point of view. Or if they do do it, it's only in question period and then it's sort of with rhetorical retorts, if you like, that really don't add to the debate and really don't answer the questions that the public has.

I really think there needs to be a more extensive, substantial public discussion so the public fully understands where it is that we have been over the last 103 years with respect to this matter, why it is that a change is required now, and if there is to be a change, can this be done in some collaborative fashion between the government and public employers on the one hand and public employees on the other hand. Is that possible? Wouldn't that be the very best way to resolve this matter of essential services, Mr. Speaker?

So, Mr. Speaker, you know this Bill to me is not about good public policy. One, the government hasn't adequately defined why it is that something that has essentially existed for 103 years should be changed in this way, changed in a way that also brings into place motions about extended debate and closure to limit the debate, if you like, on these Bills. You know, why, why the rush to do that?

So it's got to be more than about protecting the public. I think this is about gotcha politics. I think this is about the Saskatchewan Party which now forms the government saying to the unions of this province, got you. This is what this is all about, about a political agenda to get the unions, to weaken the unions. In fact the members on the other side, while my colleague from Regina Northeast was in a debate, were arguing or yelling across about all the money that they've gotten from corporations and businesses for their election campaigns. And we wonder, is this really a way for them to begin to pay off their debt to corporations that, corporations that have not very favourable a union attitude and who support actions to weaken the unions? And is that what that heckling was all about, Mr. Speaker?

Mr. Speaker, I said I would be brief. I'm going to stick to that. If I can just sum up, again the government has not demonstrated why something that has been in effect for 103 years, and I think has served us relatively well, should now be changed in the way that they are proposing to change it.

I think the government needs to do a better job of demonstrating why the change is necessary and also showing us that they really are listening and are prepared to be a little bit more inclusive in this legislation so as to ensure that, going forward, that it's not unilateral actions by employers that settle the question of essential services legislation in Saskatchewan. Thank you very much, Mr. Speaker.

**Some Hon. Members:** — Hear, hear!

**The Acting Speaker (Mr. McMillan):** — I recognize the member for Saskatoon Fairview.

**Mr. Iwanchuk:** — Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I commend the member from Regina Douglas Park on the comments. And before adjourning debate, I would just like to make a few short comments on this Bill. I would commend the member from Regina Douglas Park on talking about the problems with having no longer strikes in this Bill. I would like to commend him for talking about the withdrawal of services, even with legislation with, where there is legislation preventing, banning strikes, that we have to be worried about that.

And what were, as he mentioned, what were the demands in this FedEx moment — which was a very good point he made — and what caused this legislation to be brought forward, Mr. Deputy Speaker? What were the conversions, what were the conversions that happened to the Saskatchewan Party government that before the election they said that there was no need for this legislation, and immediately after they brought it in? What about the public consultations and public hearings that everybody is calling for — the whole issue of the minister attending public meetings on Bills 5 and 6 but yet the government hiding from having and holding their own public consultations and hearings on this issue?

Mr. Deputy Speaker, the way that this legislation was brought forward — and I think one indication of that is we now have Bill No. 24, trade union Act amendment, requiring changes after an original Bill is brought in. I think this probably shows a little lack of research, maybe some haste in drafting. And on the drafting piece, Mr. Deputy Speaker, the questions raised there are, who drafted this? There's been questions in this Assembly on the cost of this to the taxpayers — questions of, did in fact the ministry as shown by their lack of ability to answer questions on the various issues that they . . . their degree of involvement in the legislation, Mr. Deputy Speaker.

Mr. Deputy Speaker, over and above all this we have moving to legislation which was not called for. As the member who spoke said, there was no reason to do that. In fact most of the Sask Party was saying that this was not necessary.

What do we do then when we talk about the quasi-judicial body like the Labour Relations Board and the way that they have handled the changes in the Labour Relations Board? How is this going to promote trust? How is this going to promote trust in the future for all the practitioners? And we have the labour lawyers of Canada coming in and writing a letter questioning the Sask Party government and the way that they have dealt with this, Mr. Deputy Speaker.

And I will also be talking about the legislation and the rights — and were they aware, as the member said earlier, about the freedom of association for unions and the Charter protection for collective bargaining in these and how they come together before we would come in and bring in legislation of this. So I think also one of the sections that I would be touching on is section 21.

But I think overall, Mr. Deputy Speaker, before I sit down here, what I would like to say is I think what we've witnessed is the inability of the ministry, the inability of the minister to answer the simplest of questions, to come clean and say the same thing on two different days, makes us wonder not only why the need for the legislation, why the conversions by this government, but many other questions from that. So at this time, I would like to adjourn debate on this Bill.

[15:45]

**The Acting Speaker (Mr. McMillan):** — The member's called to adjourn debate. Is it the pleasure of the Assembly to adjourn debate?

**Some Hon. Members:** — Agreed.

**The Acting Speaker (Mr. McMillan):** — Carried.

### Bill No. 6

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Norris that **Bill No. 6 — The Trade Union Amendment Act, 2007** be now read a second time.]

**The Acting Speaker (Mr. McMillan):** — I recognize the member for Regina Walsh Acres.

**Ms. Morin:** — Thank you, Mr. Deputy Speaker. It gives me great pleasure to continue on in the debate of Bill 6 in the Assembly here today.

The Premier in the mandate letter given to the new Minister of Advanced Education, Employment and Labour on November 21, 2007, instructed the minister to undertake the following, and I quote:

In your capacity as Minister of Labour, establish a fair and balanced labour environment in Saskatchewan that respects the rights of workers and employers by:

Removing legislated limits on the length of collective bargaining agreements.

Working with the province's public sector unions to ensure essential services are in place in the event of a strike or a labour action.

Ensuring democratic workplaces by:

Requiring secret ballots on any vote to certify a union in a workplace, and a 50% plus one result for successful certification; and

Ensuring freedom of information in the workplace during . . . [a] unionization drive, by allowing unions and management the opportunity to fairly communicate with employees.

The marching orders to the new minister were reiterated in the Throne Speech of December 10, 2007, which saw the opening of the first legislative session of the new Sask Party government. The speech is entitled "Securing the Future," and I

would like to take a moment to highlight some of the contents in relation to the intent of this government when it comes to the rights of workers and trade unions that represent them.

The following is found on page 2 of that document, quote, "That's why growth and security will be the watchwords for my government in the months and years ahead." I would suggest that the growth and security that are referenced in the first Throne Speech of this new Sask Party government are not intended to include unions or their members as these amendments to The Saskatchewan Trade Union Act clearly indicate. The likelihood of growth for trade unions and security for their members will be completely undermined through these amendments if allowed to pass. In fact Bill 6 just might be the death threat that was envisioned 16 years ago.

Mr. Speaker, let us look further on in the speech to page 5 under the heading, "Democratic Labour Laws", and I quote:

The goal of promoting growth requires my government to focus some attention on the current labour legislative environment. The rights of workers to bargain collectively and the rights of employers must be respected. However, the labour legislative environment must also be competitive with other Canadian jurisdictions, if the Saskatchewan economy is to realize its potential.

My government will introduce legislation that achieves this competitive balance in labour laws.

I would suggest, Mr. Speaker, that there is no intent in Bill 6 to recognize or enhance the right of working people to join or organize unions for the purpose of bargaining collectively. In fact, Mr. Speaker, these amendments are designed to massively tip the balance inherent in The Trade Union Act and the more than 60 years of labour relations history to a position that heavily favours employers.

There is not a single amendment to The Trade Union Act in Bill 6 that improves the situation for working people in their unions. Bill 6 will force, if not entirely exhaust, the ability of employees to join a union, and by doing so it will severely erode workers' ability to enjoy the fruits of free collective bargaining which is the touchstone of a free and democratic society, Mr. Speaker.

As for being competitive with other Canadian jurisdictions, this government has chosen to go below the bottom of the barrel. Bill No. 6 as proposed does absolutely nothing to provide a so-called competitive platform from which workers can participate fully in the growing prosperity of our province.

Further on, in the December 10, 2007, Throne Speech, the government assures the people of Saskatchewan of the following. And I quote from page 13:

All of these changes will not happen overnight. But they will happen over the course of the next four years. Then, Saskatchewan people will have the opportunity to judge whether my government has kept its word.

It would appear that this government's commitment to thoughtful, accountable, and transparent processes is something envisioned for everyone except for those who belong to a trade

union or who hope to. For supporters of unions, this government's approach to change is draconian, instantaneous, and completely devoid of meaningful or thoughtful consultation.

I do, however, believe that the Throne Speech hit one right note when it said that the Saskatchewan people will judge this government in four years. Mark my words. There will be a day of reckoning for this government because the people of Saskatchewan do not look favourably on any government running roughshod over their rights or the rights of their neighbours. The people of Saskatchewan believe in accountability, transparency, fair play, and good governance. The people of Saskatchewan do not appreciate and do not welcome ideologically driven, mean-spirited, high-handed actions by those entrusted with the public good.

As I said at the outset of my remarks, the Premier's letter to the new minister is dated November 21, 2007. The Throne Speech was presented less than three weeks later and nine days following that — on December 19, 2007, to be exact — the minister introduced sweeping and draconian amendments to The Trade Union Act.

The amendments contained in Bill 6 appear to have been conceived in a vacuum as there was no public consultation. There were no meetings with the stakeholders, and there was no indication that these drastic and regressive amendments would be dumped on the legislature moments before the close of the first session and scant days before the citizens of the province enjoyed their traditional year-end holiday season.

Mr. Speaker, who drafted the amendments contained in Bill 6? The people have the right to know who drafted this legislation. The minister himself admitted that he knew nothing about the contents of Bill 6 at his swearing in, but he did indicate that his party had been working on the legislation for over a year. The people have a right to know whose interests are being served by these amendments. The people have a right to know if any conflict arises in regard to the architects of this letter bomb to the trade unionism and the practising of labour relations in the province of Saskatchewan.

This government deliberately put a lump of coal in each and every trade unionist's stocking and then sat back like the grinch. No, it wasn't the Christmas presents and trinkets that were stolen from working people by this government, Mr. Speaker. In fact what this government proposes to do is to steal employees' rights. No amount of empty rhetoric by this government or its apologists can explain away the sting of this assault on democratic freedoms, Mr. Speaker.

Where is the consultation? When the NDP government was poised to proclaim a particular piece of legislation in 2005, the party who now sits as government cried foul and so did the business community, Mr. Speaker. We reconsidered our intentions and took account of the opposition being expressed at that time. The public demands real consultation when governments propose to make dramatic changes to the laws governing their workplaces and lives, and justifiably so, Mr. Speaker.

Indeed, Mr. Speaker, the Supreme Court of Canada has spoken

clearly on this area, just ask BC Premier, Gordon Campbell. His legislated attack on working people in his province has been impugned and sections and of that legislation have no force and effect.

But now the same party that cried foul in 2005 is governing this fair province. And they seem to be singing a different tune from a different songbook, Mr. Speaker. Whose songbook is it, Mr. Speaker? It sounds a lot like the tune that many employer lobbyists whistle. And this government seems to have joined the chorus because they are paying the piper. Mr. Speaker, the changes that have been introduced to The Trade Union Act are nothing short of payback for the support of the business organizations in the last election since there is no evidence whatsoever that Bill No. 6 is a response to the expressed wishes of working people.

And if one looks back on the sentiments expressed about unions and union leaders by Ms. Kathy Young, the current executive director of communications, 16 years ago, it is clear that this is nothing short of a concerted attack, to use Ms. Young's words, on the red union leader. With all due respects, Mr. Speaker, you would think that we were back in the era of McCarthyism.

Mr. Speaker, there are some key questions that need to be addressed if this government is going to convince the public and those affected by these egregious amendments that there is any legitimacy to those amendments.

As I asked earlier, who drafted these amendments? And who was consulted in the process, Mr. Speaker? What comparators were examined in the development of these amendments, Mr. Speaker? What harm, public mischief, injustice, or imbalance is being remedied or repaired in The Trade Union Act that creates the need for these amendments, Mr. Speaker?

When I look back to the minister's mandate letter, I note that the letter also provides the following, and I quote:

Through our government's hard work and your accomplishment of the above-noted objectives, we will deliver on our plan for *Securing the Future* and making Saskatchewan a leader in the New West, Canada and the world.

It is the respectful opinion of my colleagues and myself that the actions of this government are more reminiscent of the Wild West and not the new West. But I was curious, Mr. Speaker, as to what the phrase new West meant. And that became more clear to me when leaving the Calgary airport, where I was greeted by a sign proclaiming: welcome to Calgary; heart of the new West. Imagine my surprise in discovering the origin, if not the meaning, of the new West moniker. I know the Premier likes to spend a lot of time fundraising in Calgary. And if that great city is the heart of the new West, I'm not sure what part of the anatomy that makes Regina and indeed Saskatchewan in the Premier's mind.

If the new West means a region of Canada determined to lead the country and the world in building a better society, an ecologically sensible economic order for all its citizens, not just those with deep pockets, Mr. Speaker, then count me in. But if embracing the slogan foretells a reckless approach to social

issues reminiscent of a time gone by, then definitely count me out, Mr. Speaker.

Saskatchewan is positioned to be the leading province in Canada's economy. This is not the product of electing a new government. It is the result of the hard work and persistence of our people plus the good fortune to be in a place on earth that has an abundance of what so many others want. These opportunities were enhanced by a stable, skilful, and balanced approach to public administration delivered by successive NDP governments following the wreckage left by this government's mentors, tutors, godparents, and soulmates.

The surplus — the robust treasury that this Sask Party inherited — is a result of prudent management, timely and responsible development of public policy, and attention to economic indicators that build a sustainable, equitable society.

Today in Saskatchewan we enjoy enviable economic growth. And the largest challenge facing employers is the shortage of workers. The Calvert government was taking steps to address those very real issues facing employers all across this province and in all industries and sectors. We established the Saskatchewan Labour Market Commission to examine and make recommendations to address the province confronting employers and provide some guidance and assistance for potential employees to enter and remain in the workforce. This was done after consultation with the Saskatchewan Chamber of Commerce and the Saskatchewan Federation of Labour — let me repeat — after consultation with both employer and employee representatives.

It is important to note that, in the run-up to our current economic success, employers weren't citing The Trade Union Act as a barrier to growth. On the contrary, employers cite the shortage of workers as the real barrier. And on that real issue, did we see any significant investment to address that issue in the recent budget? No, Mr. Speaker. There was lip service and ill-thought-out expressions of intent.

[16:00]

This government may be able to realize that the former NDP government was well on the way to addressing these real impediments to growth, but the Sask Party government can't get off their misguided ideological bent to address it, Mr. Speaker. Instead they want to create a war with labour — the very people we need to be working with to fashion solutions to the labour shortage problems facing employers all across this great province.

The Premier may say that they value the participation of labour and that his sentiments expressed 16 years ago do not define the relationship today because he has not introduced right to work legislation. Mr. Speaker, I will stand on record as stating that these amendments, coupled with Bill 5, the essential services legislation, do just that.

Mr. Speaker, the members across the floor did one thing correctly when they continued with the Saskatchewan Labour Market Commission as a forum for business, labour, and other equally important stakeholders to address the real labour market issues. They have gone so far as to retain the commission's

board of directors who were appointed by the previous government. The verdict is still out whether they will accept the recommendations from this diverse, experienced group of individuals and whether there will be the required support to do the important tasks that they have agreed to undertake.

What my colleagues and I in the Calvert government put into place was a forum where business and labour could meet and work together. We took those steps to overcome historical obstacles and to mediate the often adversarial nature of industrial relations, Mr. Speaker. We acknowledge the wisdom the Premier and his colleagues appear to be embracing by continuing that methodology. However at the same time, we condemn the Premier and his government's incredible lack of judgment in summarily firing the chairperson and vice-chairpersons of the Saskatchewan Labour Relations Board. These firings were, by the government's own admission, without cause, Mr. Speaker. I will have further comment on that subject later.

But I must say that evident political interference in the functioning of the Labour Relations Board is hugely problematic. And it is but another piece of this government's assault on sound labour laws and stable industrial relations in this province, Mr. Speaker.

As I've said, I acknowledge the wisdom of the government in keeping with the path laid by the previous administration to work collaboratively — one might even say collectively — with the stakeholders, the public, and those we hope to invite to be engaged. That is the road to the development of sound public policy, and that is what the public expects when electing a government, Mr. Speaker.

The road that the Sask Party is taking in introducing these faulty and prejudicial amendments to The Trade Union Act is one that leads us back to the dark days of Saskatchewan and North America in general, in the 1930s, when the right to join, organize, and support a trade union was regarded by the powerful as something akin to a criminal conspiracy. Social strife, unstable labour relations, rampant industrial disputes, recognition strikes, and the like were the characteristics of that sad time in our collective history, Mr. Speaker. And out-migration from the province was one of those by-products too.

Why does this government want to take us back to the time of brutish economic and social inequality, Mr. Speaker?

Mr. Speaker, the proposed amendments to The Trade Union Act are a recipe for a return to widespread labour unrest and social division in the province. These amendments signal an attack on the rights of employees to freely choose to belong to a trade union of their choice. This government has drawn a line in the sand when none was needed. This government is choosing to pick a fight where none was needed.

Will this government's labour legislation program, as we've seen it expressed and acted on so far, cause one more family to move back to Saskatchewan or convince one more young person to stay here to contribute, build a life, and raise a family, Mr. Speaker? I think the answers to those questions are clear.

However if the Premier was conducting exit polls of Saskatchewanians at the Calgary Airport in relation to The Trade Union Act when he was down there shopping for marketing slogans and campaign contributions, perhaps he would like to share his polling results with the rest of the Assembly.

Before I get to the substance of these proposed amendments — and I use the word substance very loosely, Mr. Speaker, as these amendments are nothing short of a sycophantic attack on the rights of labour designed to appease an antiquated ideology — it is important to provide somewhat of a history lesson for the members across the floor.

First off, the design of sound public policy is not something that occurs in a vacuum, a backroom or a darkroom. Rather, good and sound public policy like medicare has its root in historical reality, Mr. Speaker. Like medicare, The Trade Union Act of Saskatchewan as it now stands is a public policy law that has been brought into place in order to establish a level playing field which balances the right of employers to run their business and, at the same time, guarantees working people the right to depart from the master and servant relationship, Mr. Speaker. If I thought it would be received with an attentive ear, I would simply advise the Premier and his government to leave it alone because it works.

I will save the House from a history lesson that begins in England in the 1500s — although I know my colleagues would like to hear it — with the law supporting and recognizing the rights of trade guilds, this being of course the roots of what became the craft unions and the trades; such as carpenters, millwrights, and the like.

I will take us to the more recent iteration of developing labour or industrial relations law. My choice is the 1935 Wagner Act in the United States. The Wagner Act was established to end the recognition disputes that were crippling the manufacturing, mining, and other sectors in the United States. Those battles were waged by workers attempting to convince their employers to recognize that they had freely chosen to belong to a trade union and bargain collectively. Indeed part of the historical watershed leading up to the passage of the Wagner Act also occurred in Canada with the Winnipeg general strike of 1919, Mr. Speaker.

These disputes were often violent and resulted in the death of workers who were simply fighting for the right to be unionized. Other Saskatchewan examples, such as the Estevan coal miners' strike and the Regina Riot, also come to mind, Mr. Speaker.

These disputes of the last century grew in intensity across North America. Employers routinely called upon the state to pass laws making unions illegal and, in extreme cases, demanded that local governments provide police and/or troops to put down the strikers and protesters. Quite often governments were drawn into that abuse of authority.

After years of strife, the Government of the United States of America was moved to put an end to the most obvious discriminatory and disruptive features of the imbalance of power between employers and workers by proclaiming the Wagner Act — which acknowledged the right of workers to

join a trade union of their choice by a card majority system, as Saskatchewan's trade union Act currently provides — and to require that that decision to be recognized by the employer.

The Wagner Act included the right to bargain collectively as a companion of the right to join and be represented by a union. And it created a set of rules — for example, unfair labour practices, etc. — that protected workers in their unions from coercive, unlawful actions by employers.

For reasons similar to our cousins south of the 49th parallel, in 1943 the Government of Canada through Privy Council order PC1003 adopted the principles of the US [United States] Wagner Act in relation to worker's rights to unionize and bargain collectively. Somewhat later in the 1960s these principles became the foundation of the Canada Labour Code, which continues in place today, not withstanding alternating Conservative and Liberal governments over the years since.

In June 1945 the Government of Saskatchewan became the first provincial jurisdiction in Canada to adopt labour legislation modelled on the Wagner Act in the US and PC1003 at our federal level of government. The principles surrounding the right to join a union for the purposes of bargaining collectively with an employer by signing a union card and having those expressions of majority support certified by a neutral Labour Relations Board, free from employer interference or coercion, became the law in Saskatchewan and have remained the law for more than 62 years, Mr. Speaker.

The Trade Union Act of Saskatchewan as it stands is a good and durable piece of legislation that has facilitated the unionization of approximately 35 per cent of the labour force in the province. Union density numbers as measured by Statistics Canada places Saskatchewan as about the national average. Is this a problem for the Premier's government? And if so, Mr. Speaker, why?

I would like to examine the sections of The Trade Union Act, that the Sask Party government is proposing to amend. Bill 6, An Act to amend The Trade Union Act:

**Section 6 amended**

**3(1) Subsection 6(1) is repealed and the following substituted:**

“(1) Subject to subsections (1.1) and (2), in determining what trade union, if any, represents a majority of employees and an appropriate unit of employees, in addition to the exercise of any powers conferred upon it by section 18, the board must direct a vote to be taken by secret ballot of all employees eligible to vote to determine the question.”

Since the passage of the first trade union Act of Saskatchewan in 1945, working people in this province have had the ability to show majority support for a union becoming their collective bargaining agent by signing application for union membership cards or forms, Mr. Speaker. This is the worker's own business and it is usually conducted away from the workplace on the worker's own time, free from the potential of reproach of their employer.

The evidence of employee support in the form of union cards is submitted to the Labour Relations Board by the union in question. The board in turn carefully scrutinizes and weighs its submitted evidence to ensure that it is genuine and legitimate. Only after it is satisfied that the evidence of support submitted by the applicant union truly reflects the wishes of the majority of employees in an appropriate bargaining unit, and only after giving the subject employer an opportunity to respond with the Labour Relations Board issue, a certification order granting the union the status of being the employees' sole collective bargaining agent.

Furthermore in the lead up to a union's application for certification, employees who have a change of heart have the ability to revoke their membership, and these revocations are deducted from the union's evidence of support, Mr. Speaker. The process now in place is a system with very careful checks and balances that is well understood by all stakeholders. Not a scintilla of evidence or fact has been advanced to support doing away with a solid and reliable practice built up more than over 60 years. Bill No. 6, however, through its proposed changes to section 6 of The Trade Union Act, seeks to undo more than 60 years of solid, democratic practice and policy in Saskatchewan.

I ask why, since what has evolved in Saskatchewan is also the long-standing practice in the majority of jurisdictions in this great nation. For example in the federal jurisdiction, the Canada Labour Code operates in much the same manner as the Saskatchewan Trade Union Act in relation to applications for union certification. The federal system, in this connection, has been in place for 65 years, and neither Liberal nor Conservative federal governments have messed with the essential ingredient of balanced labour laws.

The dishonest claim by the members opposite that they are trying to make things more democratic simply does not hold up to scrutiny, Mr. Speaker. In addition by trying to lead the public to believe that this change is simply in keeping with the majority of the jurisdictions in Canada is patently false, Mr. Speaker. The facts are that today in Canada, the provinces of Saskatchewan, Quebec, and Prince Edward Island have a certification system that recognizes majority card support with a threshold set at 50 per cent plus one — a simple majority support system for certification.

As I said earlier, the Government of Canada has the same system as provided in the Canada Labour Code. Yukon, Nunavut, and the Northwest Territories all rely on the Canada Labour Code for the administration of their industrial relations and therefore also have a majority card support system in place for certification. Manitoba grants certifications on the basis of 65 per cent card support, and New Brunswick at 60 per cent. While Newfoundland and Labrador have a system requiring a vote, it is not absolutely mandatory as the employer and the union can agree that no vote is required, Mr. Speaker.

[16:15]

I want to touch on this particular topic a little further. But first let's count the number of jurisdictions in this country that rely on union support evidence to grant certification orders when that support has shown to be sufficient in each jurisdiction. It seems that fully nine out of the possible 14 jurisdictions in this

nation rely on support evidence and support evidence only as a basis for ordering certification of an applicant union.

Only Ontario, British Columbia, Nova Scotia, and Alberta — a minority in terms of Canadian jurisdictions — require mandatory votes, but it is important to note that Ontario allows for card check certification in the construction industry with support evidence of 55 per cent. So really only three jurisdictions out of the possible 14 in Canada have a mandatory vote system.

It is equally important to note that the majority of those provinces — specifically Ontario, British Columbia, and Nova Scotia — allow for the granting of remedial certifications when the employer has been found guilty of an unfair labour practice, Mr. Speaker. The amendments introduced by the Sask Party government do not even allow for any kind of legitimate balance such as a remedial certification order.

The three jurisdictions that require mandatory votes but also provide for remedial certifications are not the only jurisdictions that provide for remedial certifications in the face of illegal interference with employee rights by an employer. Manitoba, New Brunswick, Quebec, and Canada, which would also include the Northwest Territories, Yukon, and Nunavut also provide for remedial certifications, Mr. Speaker. If this government is actually doing what it claims and is attempting to bring Saskatchewan's labour legislation up to the standards of the majority of the jurisdictions, then why was this commonplace provision not included in Bill No. 6? Ten jurisdictions do.

I will tell you why, Mr. Speaker — because the Sask Party government is not looking to balance labour legislation and ensure fairness, nor is the government looking to further democratize Saskatchewan's labour legislation. Instead of making it even easier for working people to realize their right to be represented by a union of their choice, this government is moving to tilt the balance that already exists way over to the right. If this government gets its way — and we now know what the Premier thinks of consultation as a result of his comments reported in the March 8, 2008 edition of the *Regina Leader-Post* — working people and the unions they choose will find it virtually impossible to obtain a new certification order again in this province, Mr. Speaker.

The amendments to The Trade Union Act tabled in this House are nothing short of an attack on trade unions and the right of employees to join or organize unions of their choosing for the purpose of bargaining collectively with their employer, Mr. Speaker.

The right to unionize is sanctified in section 3 of The Trade Union Act and the proposed amendments to section 6 severely restrict and probably remove that right altogether. It is no wonder therefore that this government summarily fired the Chair and Vice-Chairs of the Labour Relations Board without cause, an action that has attracted the attention of national media, and by the way, not in a positive way, Mr. Speaker.

This government knew that, as responsible adjudicators, the now former Chair and Vice-Chairs of the Labour Relations Board would have had to try and make sense of the

government's misdirected dictates flowing out of Bill 6. In reality, Mr. Speaker, this government is proposing to introduce chaos and conflict into a labour relations system that has functioned well in the service of all stakeholders. The government's actions around Bill 6 and the firing of the Chair and Vice-Chairs of the Labour Relations Board give me cause to ask, Mr. Speaker, whether the Premier's transitional kingpin, Mr. Doug Emsley, had an axe to grind with the Labour Relations Board. Has he, Mr. Speaker, ever been a party to an application for certification, Mr. Speaker? The public deserves to know the details to the answer to this question.

To go back to the legislation of Newfoundland and Labrador for a moment, I notice that the members opposite find it absolutely incomprehensible that employers would agree to not hold a vote. Clearly they didn't do their homework or bother to investigate the real labour relations climate in this country.

Certainly it is clear that they paid it no heed when it came to gutting the law in Saskatchewan. If they had done any investigation they would have found that the current system in Saskatchewan grants uncontested certifications on a regular basis. What that means is that employers are not objecting to a certification application, questioning the level of support that the union enjoys, or challenging the bargaining unit description. They are satisfied that the board will determine if the union has a majority support and do not object to their employees becoming members of a union. To be sure, Mr. Speaker, there are occasionally hotly contested applications for certification. Wal-Mart, for example, comes to mind. But this government wants to take away the right of employers who respect their employees' right to unionize by imposing an absolute, state-dictated regime of compulsory voting even when an independent tribunal has bona fide evidence that a majority of employees want a union to represent them.

Mr. Speaker, this government wants to impose its will on workers and employers by introducing a disruptive system of voting that requires the employer to provide a place to vote on the work premises and have that vote conducted during work hours. I had thought that this government's agenda was about growth and increased productivity, Mr. Speaker. Therefore I ask the minister responsible to explain how productivity improves when the employer is required to interrupt production to conduct a vote when that same employer doesn't even object on any level to the union's application for certification. Why, Mr. Speaker, is this government unnecessarily burdening employers and stripping them of the right to consent to the union's application?

Further to that there are sectors of this province's economy that simply cannot accommodate the government's interference as contemplated in Bill 6 with their operations. I speak specifically of the industries that rely on the hiring halls such as the film and construction industries. Let me start with the film industry, an industry I have a fair bit of familiarity with as the former minister of Culture, Youth and Recreation.

When a movie or a TV series shoot is under way, each day carries a very hefty price tag, Mr. Speaker. The producers — the employers — require the skill, knowledge, and experience of the members of the International Association of Theatre and Stage Employees, IATSE, to get the job done. Today in



Saskatchewan the union signs up a majority and as I understand it, that majority really comprises pretty much all of the crew and makes an application to the board for certification. These applications are not usually contested by the employers, the producers in this case.

Now this government has, under the much ballyhooed moniker of democracy, decided that production must come to a halt so that a vote can be conducted. The vote will yield the same results. The union will be certified but at a great cost and inconvenience to the employer. The same scenario plays out in the construction industry, Mr. Speaker. I ask again for the minister to explain why his government believes that it is in the public interest to create such an onerous regime that is unwanted, unnecessary, and unproductive.

As I indicated earlier, Ontario has seen the error of the mandatory vote system in this industry and replaced it with a card check system that requires 55 per cent majority support to obtain certification. Alberta's construction industry is in major crisis with Charter challenges and labour disputes looming. British Columbia is also fraught with problems. These, Mr. Speaker, are the footprints to prosperity, but instead recipes for disaster.

Furthermore, Mr. Speaker, how is it justifiable to conduct a vote? Again, keep in mind the burden put on employers when a union has applied for certification with a majority support, all the way up to 100 per cent support, Mr. Speaker. It just doesn't make sense.

How is it justifiable to undertake the expense of sending someone — perhaps an employee of the Labour Relations Board or maybe a crony of the Premier's — to a workplace somewhere in Saskatchewan to conduct a vote when a majority of employees — all the way up to 100 per cent of the employees — have signed support evidence to express their wishes to join a union, Mr. Speaker? It just doesn't make sense.

This whole regime will be as costly for taxpayers and about as sensible as the ill-conceived plan to change the province's logo. They haven't thought it through, Mr. Speaker. And to tell you the truth, it seems they haven't put much thought into it at all. But then of course, all of these issues could be canvassed through a consultative process involving stakeholders if this government wasn't so hell-bent on putting their footprint on labour relations in the province.

Maybe this Bill should be renamed the Brad Wal-Mart Bill, since that employer, just like this government, seems intent on stopping employees from unionizing in order to preserve its low wage and corporate grip on its workplaces.

Cheap labour, cheap practices, and no rights for workers. Is that what the new West means to the Premier and his colleagues, Mr. Speaker? Or perhaps, Mr. Speaker, this legislation should be renamed the Brad Wal-Mart Bill, an Act to ensure that workers in the new West are prevented from joining a union of their choice.

The members opposite may feel chaffed, but I suggest this is because it hits too close to home, Mr. Speaker. I read recently a critique of Bill 6 written by Dr. S. Muthu, professor emeritus in

the Faculty of Business Administration at the University of Regina. Dr. Muthu's field of specialization is industrial relations, business ethics, and administrative law. Dr. Muthu takes a look at the impact of Wal-Mart's corporate agenda and on the rights of employees, and references a well-known study done by Roy J. Adam which concluded that:

The entry into Canada of aggressively anti-union employers such as Wal-Mart may have emboldened employers to take stronger positions on union avoidance.

Dr. Muthu goes further, and I quote:

Wal-Mart has been pushing for ... [the] end to the card-check certification ... and the adoption in all Canadian jurisdictions of a vote in every certification [case] to rebalance the power between organized labour and employers.

Mr. Speaker, there is a good cause to refer to Bill 6 as the Brad Wal-Mart Bill since the Premier is in lockstep with Wal-Mart's stated corporate vision.

Mr. Speaker, before turning to the other aspects of the Bill, I would suggest that this government is showing a distinct lack of confidence in the newly appointed chairperson of the Labour Relations Board since they propose to take away the discretionary authority of the board to determine if the support evidence filed with an application for certification is sufficient to certify a union.

I do not want to be unfair to Mr. Love, as he deserves a chance to show his mettle, even though my colleagues and I profoundly disagree with this government's hypocritical and unprecedented intervention in the composition and workings of the Saskatchewan Labour Relations Board. But the notion of fairness, Mr. Speaker, also leads me to ask whether the seven times or so that Mr. Love has appeared before the Labour Relations Board leaves this government with a level of uncertainty as to his experience, Mr. Speaker.

I read Mr. Love's biography with some interest, Mr. Speaker, particularly his representation of employees before the Labour Relations Board. Here is something I found very interesting, and I quote from the document. Quote:

One of his cases before the board led to the inclusion in The Trade Union Act of the duty of fair representation, which the board recognized as a duty to be imposed upon trade unions under common law in Saskatchewan. Since that decision, this duty was also recognized by the legislature and included in The Trade Union Act.

Mr. Speaker, I was curious more and so I undertook some research on this groundbreaking, law-making case. But I could not find any reference whatsoever to a case involving the duty of fair representation presented by Mr. Love.

In fact, the first case which, before the board was Doris Simpson versus United Garment Workers of America and dated May 27, 1980. In that decision, the following is stated, quote:

The applicant alleges an unfair labour practice against the

union by reason of the union's failure to fairly represent her by filing a grievance with respect to dismissal from employment by her employer, G.W.G Ltd.

The applicant raises an issue not yet decided in Saskatchewan: whether, in the absence of any specific provision in The Trade Union Act, unions are subject to a duty of fair representation to their members.

[16:30]

The chairman of the board at that time was N.W. — and I'm going to have a problem with this name — Sherstobitoff. Sherstobitoff is the expertise on this side — Q.C. [Queen's Counsel], a well-respected adjudicator and now a justice of the Court of Appeal. While the application was dismissed, there was a finding that the common law principles of duty of fair representation have a place in the Act. The applicant was represented by E. Holgate.

Subsequent to that decision, another application was filed on the subject of duty of fair representation wherein the Simpson case was used as a template for determining the board authority. The case was decided again by Justice Sherstobitoff, wherein there was no finding in support of the applicant but the concept of duty of fair representation was upheld. The decision is dated June 17, 1982 and the applicant was represented by Gwen Gray, a former chairperson of the Labour Relations Board.

Mr. Speaker, the Act was amended in 1983 to include the duty of fair representation in The Trade Union Act, and a number of applications have followed. What I did not find on this historical tour of the duty of fair representation was a case in front of the board that was argued by Mr. Love. I would like the Minister Responsible for Labour to provide that decision to the House or to myself so that this House and the public can be assured that the qualifications and competencies of Mr. Love have not been misrepresented.

Mr. Speaker, Mr. Love may be as capable a legal practitioner as I'm sure he was a very capable constituency vice-president for the Minister for Government Relations' constituency association. Given that, if this government has confidence in Mr. Love's abilities, why would it write a labour relations script so tight as to render the job of the Chair of the Labour Relations Board to be something tantamount to being the chief clerk responsible for stopping employees from unionizing? All I ask and raise issue with before going on to the practical problems with this amendment, Mr. Speaker.

Turning to the question of representation votes, Mr. Speaker, when one looks at the four examples of the mandatory vote legislative regimes, one finds practical guidelines that assist the parties in understanding the transparency of the process. The conducting of votes is a serious undertaking and is done in an expeditious manner.

Rather than going into the full details of the four jurisdictions already mentioned, I'm going to focus on the legislation and practice of British Columbia, since that appears to be the source of parts of the amendments that the Sask Party government has introduced.

Section 24 of the BC Labour Relations Code not only requires the union to have at least 45 per cent support evidence to apply for and satisfy the board to order a vote; it also provides that the vote will be conducted within 10 days from the date the board receives the application for certification. In fact section 24 of the BC code provides for a second vote if less than 55 per cent of eligible employees cast ballots.

The practice guidelines of the British Columbia Labour Relations Board trade union certification process, which is on the BC board's website, outline the following procedures when applications for certification are received. Number one, notice of the application is received by the employer, and the employer is required to post it for five consecutive working days. Number two, an investigation takes place wherein the employer's payroll records and the union's evidence of support are examined. Membership support is kept confidential to the board. Number three, a report with confidential information dealing with membership information is provided to the board and a vote is tentatively scheduled. Number four, a hearing is scheduled seven or eight days after the receipt of the application by the board and limits the issues, the objections that an employer may want to raise.

By the way, that means unless it is a question of jurisdiction, federal or provincial, the objections are limited to (a) is the applicant a trade union as defined in the code; (b) is the group applied for appropriate; (c) is there the necessary support to have a vote ordered and counted.

Going on to the point number five, a without-prejudice and formal meeting with an officer of the board and any agreements reached in that meeting are binding.

Bearing in mind, my remarks about the balanced and fair approach that the Saskatchewan Trade Union Act has provided for approximately 62 years, at least, Mr. Speaker, the approach to union certification set out in the BC Labour Relations Code has a rational, understandable, and straightforward approach to its process.

I see nothing of the sort in Bill No. 6, and it is maybe because the Sask Party government's approach is not rational or straightforward, but it will be understood to be the anti-union mishmash that it is. It may be that employers will object to the examination of their payroll records. It appears to be the simplest method of ascertaining the relevant information and the facts.

In the BC code's regime, which we do not endorse, Mr. Speaker, at least scheduling an early hearing of a union certification application and limiting the scope of the employer objections that can be raised at the hearing ensures to some degree that the employees' wishes are respected and dealt with in an expeditious manner.

The BC legislature took the steps it followed after reviewing the recommendations for labour law put together by a subcommittee of special advisors before the legislation was drafted. This is a point I want to highlight, Mr. Speaker, and I want to highlight that important factor because the importance of meaningful consultation has been entirely rejected by this government. In fact the Premier thumbed his nose at

consultation with experts from the stakeholder groups by declaring that it is more important to do what his government thinks is right even though they have no actual experience in this area.

Mr. Speaker, perhaps the government, Premier's government did consult people they believed to be experts in labour relations. And if so, who are they, Mr. Speaker? Will he tell the Assembly? Will they come out from the shadows and out of the backrooms, Mr. Speaker?

With all due respect, Mr. Speaker, I think the current government's attitude and approach shows contempt for the people of this province, not the least of whom are the well over 100,000 people who already belong to unions. Shame on a government that would exclude the very stakeholders it said should be consulted when the Sask Party sat on this side of the House, Mr. Speaker. Shame on the Sask Party government in a modern society that governs in a high-handed, paternalistic, dictatorial way, closing their ears and their doors and their minds to meaningful exchanges with the people affected. Shame, Mr. Speaker.

The members opposite raised the roof on the issues of transparency, accountability, and public consultation when they were in opposition. But now when they have formed government, they have forgotten their own words, Mr. Speaker. It is another example of the worrisome characteristic of saying one thing but actually doing another. And that started on the first day of this government's administration, Mr. Speaker.

But as I was saying, although British Columbia went in a direction that I would not advocate in Saskatchewan, they did understand the importance of dealing with the question of union representation vote in a timely manner. We see nothing of that kind in terms of a consideration of Bill 6, Mr. Speaker.

Mr. Speaker, it is well established in labour relations boards' decisions from across the country and the continent, and it is well established by the courts, including the Supreme Court, that creating a climate in which employees can exercise their right to freely join a union without interference by the employer is an essential ingredient to enabling working people to realize those aspirations and gain their rights.

Mr. Speaker, labour case law is chockablock with cases of employer interference, and the prohibition of employer interference is evident by the unfair labour practice sections in the current trade union Acts or codes of every jurisdiction in this nation. It is present in the national labour relations board Act in the United States as well. If you recall, it was one of the founding principles articulated in the Wagner Act that I spoke of earlier. And those principles have been copied by legislators throughout North America. I will get into this a little deeper when I get to section 11 amendments.

I want this government's assurance, the stakeholders that I have spoken with want this government's assurance, and the members of the loyal opposition, Mr. Speaker, certainly want assurance that the minister is going to provide and describe for the benefit of this Assembly the substance of how this piece of legislation is going to be administered in relation to the mandatory certification votes it proposes to dictate.

I recommend that Bill No. 6 in its entirety and any accompanying regulations be referred to a committee of experts, with employer and unionized labour representation to hold public meetings, meet with the stakeholders, and form recommendations. Mr. Speaker, such a step would enable members of the Assembly to hear from and probe the thinking and experience of stakeholders as well as other interested parties. Let's get all of the government's intentions out into light of day for the community to comment on, Mr. Speaker.

To leave all of the questions and concerns unanswered in relation to the amendments being proposed to section 6 of the current trade union Act is unconscionable, Mr. Speaker. Furthermore to leave everything this government proposes to do in Bill 6 to be subject to unseen, yet-to-be-drafted or hidden regulations, made behind closed doors in secret — much like occurred with the drafting of these amendments — without the assurance of scrutiny of genuine stakeholder consultation, reminds me of the Court of the Star Chamber at a time that predates the Magna Carta. These are not the actions of a democratic government or of a government that claims to adhere to the principles of transparency and accountability, Mr. Speaker . . .

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

**Mr. Iwanchuk:** — With leave to introduce guests.

**The Speaker:** — The member has asked for leave to introduce guests. Is leave granted?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Leave has been granted. The member from Saskatoon Fairview.

#### INTRODUCTION OF GUESTS

**Mr. Iwanchuk:** — Thank you, Mr. Speaker. In the east gallery joining us to listen to some of the debates, people who have an interest in the amendments and the legislation that is being put forward and the debates that are here, we have with us Rosalee Longmoore, president of Saskatchewan Union of Nurses, and Donna Trainor, executive director of Saskatchewan Union of Nurses. I ask all members in the Assembly to welcome these two residents of Saskatchewan, trade unionists, and leaders of unions to their Assembly.

**Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Regina Walsh Acres.

**Ms. Morin:** — Mr. Speaker . . .

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

**Ms. Ross:** — I would also like to welcome the two . . .

**An Hon. Member:** — You have to ask leave.

**Ms. Ross:** — Sorry. May I ask leave please?

**The Speaker:** — The member from Regina Qu'Appelle Valley has asked leave to introduce guests. Is leave granted?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Member from Regina Qu'Appelle Valley.

**Ms. Ross:** — Thank you. Thank you very much, Mr. Speaker. I too would also like to join in welcoming two very esteemed members of our nursing profession, and it is a pleasure to have them in the House, and thank you very much for their attendance.

**Hon. Members:** — Hear, hear!

**The Speaker:** — I recognize the member from Regina Walsh Acres.

## ADJOURNED DEBATES

### SECOND READINGS

#### Bill No. 6 — The Trade Union Amendment Act, 2007 (continued)

**Ms. Morin:** — Thank you, Mr. Speaker. Thank you. So furthermore to leave, to leave everything this government proposes to do, to do in Bill No. 6, to be subject to unseen yet to be drafted or hidden regulations made behind closed doors in secret, much like occurred with the drafting of these amendments, without the assurance of scrutiny of genuine stakeholder consultations, reminds me of the Court of Star Chamber and a time that predates the Magna Carta. These are not the actions of a democratic government or of a government that claims to adhere to the principles of transparency and accountability.

We heard enough from them on these subjects when they were in opposition, Mr. Speaker, and as a result maybe Saskatchewan voters were fooled into believing that the Premier and his colleagues actually meant what they said. It now appears that they didn't adhere to the convictions they claimed for even 100 days.

A cautionary note, Mr. Speaker, in relation to another reality, the fact is that in certain sectors many workplaces today have significant part-time employee contingents. And when a workplace is made up of a significant portion of part-time employees — say for example 45 per cent — some of them may not see a notice to vote, which is essential information. The right to be informed of a vote in which you are entitled to participate is a natural justice issue, Mr. Speaker. It is of paramount concern when establishing the framework for democratic elections.

[16:45]

Going back to the BC example — which this government seems to be drawing on at least for its ideological inspiration if not for any part of the procedural or consultative considerations that went into that province's revisions to labour legislation — if there are allegations of an unfair labour practice or practices, then the BC Labour Relations Board will hear those at the same

time as the hearing for certification if they are related, as they most often are.

Mr. Speaker, in its context, the BC approach seems to make sense, but as I understand it, that can sometimes delay decision from the board. So the BC practice is clear in that the representation vote is conducted within 10 days of the application of certification, notwithstanding delays over unfair labour practice complaint decisions. When this kind of situation occurs in BC, Mr. Speaker — and many times it does — the vote is conducted on a tentative voters list as is in the case in a situation when the employer challenges the appropriateness of the bargaining unit description. As a result, ballot boxes are sealed and securely stored by the board. In some instances ballot boxes that have been securely stored are now gathering dust. Employees' wishes are not counted.

These cases, while not the majority, do occur and continue to occur in a framework that has a methodology provided in the statutory provisions of the legislation in addition to correctly developed regulations and policies based on recommendations of a subcommittee of advisers struck and mandated to examine the issues. The analysis provided by well-researched and consultative committees guides adjudicators in interpreting new or amended pieces of legislation.

Mr. Speaker, in the Bill before this Assembly, all we have is the dictate of a compulsory representation vote. This Bill is devoid of any of the procedural mechanics or considerations that would emerge from a process whereby experts and practitioners, unions, and employers could consult and advise as to proper methods that take into account the rights of the parties to an application for union certification. This is a serious and egregious flaw that will not be explained away by any of the bluster we've witnessed thus far from the Minister Responsible for Labour or from the Premier.

Perhaps, Mr. Speaker, when the Premier and his posse of unnamed advisers set out to hang the right to unionize from the nearest tree, they might have been better served and thereby have better served the people of Saskatchewan by first taking time to consider the rule of law.

Mr. Speaker, while there are some aspects of Bill 6 that seem to be borrowed from the legislation in BC, the pieces the government has cut and pasted are either ill-fitting or ill-considered. This is a problem, Mr. Speaker, and I predict will come home to roost on that hanging tree the Premier and his posse are eyeing up.

Mr. Speaker, grabbing a piece of legislation from here or there, at least drawing on what appears to be jurisdictions in the new West and slamming them into the current legislation, may explain why Bill 6 is contradictory to the purpose and intent of many of the sections of the current trade union Act.

It leaves me thinking, Mr. Speaker, that if Calgary is the heart of the Premier's new West rapture, then surely BC was looked upon as the brains. But what does that leave as Saskatchewan's role, Mr. Speaker?

I find it more than passing strange that it was the scant days before this legislative session began that this government fired

all of the adjudicative employees of the Labour Relations Board. Perhaps as government they are not concerned, Mr. Speaker, about the nuts and bolts of these amendments, because they have fired all of the seasoned adjudicators and put in one of their own. And although the intention was to — without due process — appoint a Vice-Chair, the people of this province have demanded that a fair hiring process be used. The public demanded an open hiring process, an accountable hiring process, and a transparent hiring process.

While I believe that we may end up having an illusion of that, members of the opposition are prepared to reserve on that for a moment.

Now maybe they can dictate what the law will be for a time, and put their man in place as the new sheriff to make sure it is applied consistent with their right-wing ideology, but then it begs the question of whether this government's idea of the new West is really synonymous with the Wild West.

The labour relations community, and indeed any Labour Relations Board charged with administering new legislation or regulations, would be well and better served by having a thorough understanding of the intent of the legislation. All concerned would benefit from additional information, from actual consultation, and ultimately from recommendations that emerge from a credible and balanced stakeholder committee.

Careful deliberation and thoughtful consultations that are open and accessible is how credible and enduring public policy is built, Mr. Speaker. What possible harm can come to the government from doing things in a reasonable, credible manner? What is the rush, Mr. Speaker? Where is the fire? What spectre is haunting the Premier and his colleagues? Is it the spectre of trade unionism that turns their new West dream into a nightmare, Mr. Speaker? Wild swings of the pendulum do not create sound public policy. The kind of lurch to the far right that Bill 6 exemplifies smacks of political payoff and short-sighted dogma.

Now I want to be fair, Mr. Speaker, and say that everyone can understand that a new government with no prior experience will make mistakes. And if they are honest mistakes, we can forgive and correct them, Mr. Speaker. But no one will be inclined to forgive or forget ideological pigheadedness.

Mr. Speaker, I implore the government not to take Saskatchewan down a labour relations road rife with divisiveness and discontent. Our province and our people are on a path to prosperity. I implore this government not to mess up our province's growth and security by creating an unstable, confrontational labour relations regime.

Mr. Speaker, we now have a stable industrial relations climate that is dependable and predictable. There is no cause for the amendments or the mischief they will create for working people. While there may be a few in the business community who advocate that it is now time to get theirs, I think they detract from the many who have invested, built businesses, and established good relations with the unions their employees have chosen.

There wasn't and there isn't now any public outcry calling for

the repeal and dismantling of the card check system underpinning the certification process of the current trade union Act. The system we have is well respected and recognized in laws that have been scrutinized by the courts. No court has found this system to be wanting or unfair or unclear or unreasonable.

Mr. Speaker, history is replete with sorrowful examples of the social discord and material loss wrought by political leaders who claim to know better than the people. And I can assure my friends opposite, when the people of this great province have had their fill of the ideological binge represented by this government — one that is as short-sighted as it will be short-lived — a new government will be elected and we will restore labour relations law back to its present trusted and just balance. The legislation as it stands today is consistent with the Charter of Rights and Freedoms on the question of card majority system, and it does not stand alone in the adjudication and administration of the certification process for trade unions.

Mr. Speaker, no court has held that the current legislation hinders or harms the true free expression of choice for employees to belong or not to belong to a trade union. The amendments proposed in Bill 6 are frivolous and vexatious and do nothing to enhance productivity or continue to enhance a stable labour environment or sound industrial relations.

Without a sound reason for the amendments, without any good cause or reasonable justification and absent of any competent explanation as to why these amendments are needed, there is but one conclusion to draw, and that is a negative inference. And the inference is that Bill 6 is an attack on working people and the organizations that represent them, Mr. Speaker. It is simply an attack on the rights of workers.

Mr. Speaker, as for the second amendment to The Trade Union Act:

“(1.1) No vote shall be directed pursuant to subsection (1) unless the board is satisfied, on the basis of the evidence submitted in support of the application and the board's investigation in respect of that evidence, that at the time of the application at least 45% of the employees in the appropriate unit support the application.

Mr. Speaker, I want to spend a moment on the 45 per cent threshold which the government proposes to define, the threshold required for a certification vote. Once again, I want to place it in the context of the other jurisdictions in Canada.

Alberta, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, and Ontario all have a threshold of 40 per cent. Quebec and Canada, which includes the Yukon, Northwest Territories, and Nunavut, all have a threshold of 35 per cent. Prince Edward Island doesn't have a threshold but leaves it to the board's discretion. Only one province in Canada, only one province in Canada has a threshold of 45 per cent, and that is British Columbia.

Mr. Speaker, not only is this government intending to burden the province with unjustified interference against the rights of employees on the question of unionization, not only is this an undemocratic proposition but it's a falsely democratic system

which will be played out at the expense of employers and taxpayers. What the Premier's government proposes is a system modelled after one lone province that has a threshold for support evidence set at 45 per cent. In a jurisdictional comparison, British Columbia stands alone with the highest threshold of any of the other 13 jurisdictions in Canada. Perhaps it's because of the mountains that they thought that they would be the highest; one doesn't know.

By far the most common threshold is 40 per cent for requiring a representation vote, leaving aside for the moment the debate about card majority evidence and certification. So I question this government's desire to simply, quote: "bring Saskatchewan into line with other jurisdictions." That is not the evidence in the public domain nor before the House, Mr. Speaker. If the government was true to its words the threshold would have been set at 40 per cent. And I say this notwithstanding my party's firm belief that these amendments are unnecessary since there is nothing in the present Act's determination of the majority threshold that needs fixing anyways, Mr. Speaker.

The fact remains that the Sask Party government is not concerned with aligning other province's labour laws with the rest of Canada but instead it appears that these amendments come from a much darker and dogmatic desire to stem successful union organizing and eventually severely limit or eradicate trade unions altogether from this province.

This government wants to make the smiley face of Wal-Mart even happier, Mr. Speaker. It is not just the illusion of prices falling that is the stated corporate goal of Wal-Mart, but the falling rates of unionization that they really desire. The Premier is happily facilitating that for them, Mr. Speaker.

We now know that the Premier and his government do not always believe in cheap labour, especially when it comes to their friends, Mr. Speaker. We now know, Mr. Speaker, that the new Chair of the Saskatchewan Labour Relations Board will be paid a salary of \$180,000 per year, which I am told is a \$60,000 per year increase. Mr. Speaker, is this the value-add that the Premier talks about when he's questioned on various issues of the province?

Now I have no problem with this, Mr. Speaker, with paying good salaries to civil servants. But the key here is, nothing new is being produced. No additional duties have been assigned, no increased workload or responsibilities — in fact nothing that justifies the astronomical increase, except for perhaps payback to a loyal supporter.

Mr. Speaker, this government is attempting to justify their actions in tabling these amendments in a manner that appears to be as innocuous as modernization or housekeeping. But it seems plain to me that the real motivation is to install their friends and enshrine a piece of legislation designed to limit the freedom of association that is entrenched with the Canadian Charter of Rights and Freedoms. They also herald this . . .

**The Speaker:** — Order. Being the agreed time of recess, this Assembly stands recessed until 6 p.m.

[The Assembly recessed until 18:00.]



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Minister Responsible for the Saskatchewan Crop  
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