



STANDING COMMITTEE ON CROWN AND CENTRAL AGENCIES

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STANDING COMMITTEE ON CROWN AND CENTRAL AGENCIES

Mr. Delbert Kirsch, Chair
Batoche

Mr. Buckley Belanger, Deputy Chair
Athabasca

Mr. Denis Allchurch
Rosthern-Shellbrook

Mr. Fred Bradshaw
Carrot River Valley

Mr. Dan D'Autremont
Cannington

Mr. Warren McCall
Regina Elphinstone-Centre

Mr. Randy Weekes
Biggar

[The committee met at 19:02.]

The Chair: — Thank you very much, ladies and gentlemen, and welcome to this evening's session of Crown and Central Agencies. We have two substitutions: Mr. Kevin Yates is substituting for Mr. Buckley Belanger, and Ms. Joceline Schriemer is substituting for Mr. Randy Weekes.

We have one document to table with us. It was distributed to members on May 9th. This is addendum to CCA 15/26 Crown Investments Corporation subscription for units between CIC Equity Holding Corp. and Apex Investment GP Inc.

Committee members, today the Assembly referred Bill No. 147, *The Public Interest Disclosure Act* to our committee, and this is the Bill we'll be considering tonight.

We have with us Minister Draude and her officials. Before we begin, Madam Minister, would you please introduce your officials to the committee.

Bill No. 147 -- *The Public Interest Disclosure Act*

Clause 1

Hon. Ms. Draude: — Thank you, Mr. Chair. I'm very pleased to be here tonight to speak about our proposed legislation, *The Public Interest Disclosure Act*. Firstly, I'd like to introduce the officials I have with me tonight. We have Don Zerr from the Public Service Commission. He's the assistant Chair responsible for corporate HR [human resources] management and employee relations. Kelly Gallagher is my chief of staff, and Shelley Whitehead is a special advisor, employee and corporate services.

We are introducing this Bill to fulfill the government's commitment to strengthen the protection for employees in the public service. This was an election commitment. It was also included in the mandate letter in 2007 for the Minister Responsible for the Public Service Commission. Extensive consultations were held with employers and interested parties throughout the development of this Bill. We also undertook extensive interjurisdictional research and analyzed results of several reports on this subject.

We consulted with the various Crown corporations, CIC [Crown Investments Corporation of Saskatchewan], deputy ministers, and the Ombudsman. The public sector unions were also informed. Since the introduction of the Bill, further discussions have occurred with the unions and the Saskatchewan Information and Privacy Commissioner.

We believe this proposed legislation provides an effective framework and approach for facilitating public interest disclosures and providing protection to those who report wrongdoings.

We are well aware of the issues that have arisen in other jurisdictions with respect to whistle-blowing and officials responsible for these matters. We have worked to ensure that this Act is effective. It supports the integrity of government and of the public service. It supports accountability. We will

investigate, and we will take action. And it supports fairness. Employees with concerns will be treated fairly. Processes will be established, including an independent officer of the Legislative Assembly to accept and follow through on disclosures without reprisals.

At a high level, this Bill is intended to enhance confidence in government institutions and in the public service. It will facilitate disclosure and investigation of alleged wrongdoings, and it will protect whistle-blowers in the public service workplace. The proposed new public interest disclosure Act will also protect employees from reprisal if they report wrongdoing by government institutions.

This legislation covers the following four kinds of wrongdoings. The first is a contravention of any legislation. The second, an act or omission that creates, first of all:

- (i) a substantial and specific danger to the life, health or safety of persons other than a danger that is inherent in the performance of the duties or functions of a public servant; or
- (ii) a substantial and specific danger to the environment.

Thirdly, gross mismanagement of public funds or a public asset. And fourth, knowingly directing or counselling someone to commit a wrongdoing of the three kinds I have just described.

This legislation will apply to executive government, and with this all employees in all ministries in all locations will be protected if they blow the whistle on wrongdoings. We also intend to include the Crown corporations, Crown investment corporations, and Treasury Board Crowns. This is the same definition of government institutions that are found in *The Freedom of Information and Protection of Privacy Act*. I am also pleased to say that this legislation establishes a Public Interest Disclosure Commissioner as an independent officer of the legislature. The commissioner will have the authority to provide education, to undertake investigations, to make recommendations, and to initiate systemic reviews when common themes or issues are identified through the complaint process.

If approved, it makes sense that this position would be within the Provincial Ombudsman's office. We have already engaged in the formal consultation with the Ombudsman's office and look forward to working closely with them on this initiative. The government is committed to protecting our employees. They can bring forward concerns knowing they'll be safe from dismissal, from layoff, suspension, demotion, elimination of a job, or reprimand. These are some of the highlights of the legislation, and I am very pleased to fulfill one of our original election commitments.

I'm also very happy that we will be providing additional protection to the public service employees at the same time. We greatly value the work they do on behalf of the people of this province, and it's the public that will ultimately benefit from the increased protection offered to public service whistle-blowers.

Mr. Chair, this concludes my opening remarks, and thank you

for the opportunity to speak about this proposed legislation.

The Chair: — Thank you. So now if we have any questions. Mr. Yates.

Mr. Yates: — Thank you very much, Mr. Chair. I have several questions, but I want to start by just asking a couple of questions regarding the minister's opening comments. The minister has indicated that they consulted with employers and CIC and informed the unions. Was there any consultation with the unions prior to this legislation being put together, or was this put together and then consulted after, if consulted at all because you used the word informed, not consulted. You used the word consulted with others.

Hon. Ms. Draude: — Thank you to the member. We did put the Act together, the discussion together, and then we talked to the unions before it was introduced in the House.

Mr. Yates: — So you talked to them before, but there's a big difference between talking or informing and consulting and the ability for changes to be made as a result of input from the union. Were there changes made as a result of consultation or discussion with the union, and was there the opportunity to?

Hon. Ms. Draude: — To the member, I'm informed that there was no suggestions for amendments that were brought forward by the unions.

Mr. Yates: — Was there the opportunity for suggestions or was, when the discussion was carried out, was it clear that this was the legislation going forward?

Hon. Ms. Draude: — Thank you. When the information was presented to the unions, there wasn't any real dialogue, and there was nothing that the people that worked with me in the Public Service Commission said had indicated that there's a timeline or anything. There just was no comments from them.

Mr. Yates: — Madam Minister, we both know when you're bringing forward legislation changes, proposals, the way in which it is presented is . . . usually leaves a clear indication whether or not there is any need or opportunity to have a discussion, or we're letting you know and we're moving forward with this. Could you characterize for us what the discussion was like, how it was brought forward?

Hon. Ms. Draude: — Thank you to the member. I believe that the unions in our province, their concern is also for the safety and well-being of their membership. So when the information was provided to them, the floor was left open for comments and there wasn't any comments from them. And I have no reason to believe that they wouldn't think . . . that the members of their union would be happy to have another avenue to bring forward concerns.

Mr. Yates: — Well thank you very much, Madam Minister. That doesn't really answer the question as I asked it. Were they informed that they had the opportunity to bring forward changes to this legislation?

Hon. Ms. Draude: — Mr. Chair, I'm going to ask Don Zerr to respond.

Mr. Zerr: — Thank you. We don't have real shy unions and spokespersons for the unions. So when you provide . . . The first thing you do is provide factual information about what the document, what the legislation pertains to. And you do have, I mean, there was some cursory questions asked, but there really wasn't a whole lot of dialogue.

Mr. Yates: — Thank you very much. Did the union have advance copies of this proposal to examine prior to them being informed?

Mr. Zerr: — Not initially, no. We handed it out at the appropriate time, provided them with the opportunity to have us back, have other questions. We left the floor open for other comments that they might've made. So that was the first foray into it. We had subsequent conversations with the union after the Bill had been introduced.

Mr. Yates: — And would you characterize those conversations, were they supportive of this legislation as it is?

Mr. Zerr: — They weren't non-supportive. So you know, did they jump up and down and say, this is the best thing? No, but they were not unsupportive. And as I said, my relationship with the union, they are certainly not shy about informing me when they aren't pleased with things that have been introduced. So I would suggest it was . . . Anyway I'll leave it at that. Thank you.

Mr. Yates: — Thank you very much. Madam Minister, what unions did you meet with? And specifically who from which unions did you meet with?

Hon. Ms. Draude: — Again I will ask my officials to give specifics on this. But I think that the member does know and should know that they've had several months since the Bill was introduced to provide feedback in one way or another, and there hasn't been any feedback. So as far as the specifics of when and with who, I'll ask the people that are with me to answer the question.

Mr. Zerr: — Thank you. For the executive government it was CUPE [Canadian Union of Public Employees] 600 and SGEU [Saskatchewan Government and General Employees' Union]. The Crowns also had some consultation with their unions, but I wasn't part of those discussions, so I can't speak to whom they spoke to.

[19:15]

Mr. Yates: — Thank you very much. Then if we don't know that, would it not be appropriate to have officials here that did know who was spoke to from the broad group who this covers?

Hon. Ms. Draude: — To the member, I know that the member is well aware that this Bill was brought forward a number of months ago, that the negotiating and the discussions that we've had with the unions and with the public service is something that happens on an ongoing basis. I'm very sure, as I think the member would be sure, that if there was a real issue with this proposed legislation that we would have heard from them or maybe the member would have heard from them.

Mr. Yates: — I think the Madam Minister is insinuating we may be haven't heard from them at some length on this issue.

I have a number of questions, but I want to ask questions regarding elected officials of any of the unions now who, on behalf of their members, disclose information publicly, not through this process. What is the objective in a case like that? Today the union can bring forward, publicly, information on behalf of its members without any repercussion. That's been a long-standing practice in government. If the union does it today, the elected members are also members of the public service or a Crown corporation. Does this apply in the same way to them?

Hon. Ms. Draude: — To the member, there is no change.

Mr. Yates: — No change from the current practice? Or the legislation would apply to them in the same way?

Hon. Ms. Draude: — Mr. Chair, and to the member, this is actually an additional avenue for employees who may have an issue they would want to discuss. They could still go through their union if they would like, but this is an additional avenue so that if there is an issue that an employee has, they can come forward to the designated person within the ministry or they could file their disclosure with the commissioner if they wish.

Mr. Yates: — Thank you very much, Madam Minister. But I want to make it absolutely clear. If a union, an elected union official, bring forward to the public, as they have been able to in the past, an issue or concern in the workplace, they are protected or have been protected. Do they remain protected, or because they don't follow this Bill, are they subject to disciplinary practice?

Hon. Ms. Draude: — To the member, they will have protection under the occupational health and safety the way they always have.

Mr. Yates: — Thank you very much, Madam Minister. Now does that cover all elected officials of the union?

Hon. Ms. Draude: — To the member, the elected official do have protection under *The Trade Union Act*, and so that protection will remain.

Mr. Yates: — Thank you very much, Madam Minister. Now I want to then clarify that. So when an elected official of the union bring forward, bring forward, brings forward, pardon me, information, they are protected under *The Trade Union Act*. So there should be no fear of reprisal, no fear of punishment or termination as a result of bringing forward something to the public.

Hon. Ms. Draude: — To the Chair, the Bill doesn't take away any protection under existing legislation. But the member opposite continues to talk about the union and the elected people under the union, which is important.

But what the Bill is talking about is individuals who may have a complaint that they would like to file themselves or they believe there's some wrongdoing. And they would like . . . This Bill gives them an opportunity to go to a designated person within the ministry and share their issues or their concerns or go to the

commissioner. And the important issue with the Bill that we're talking about is the right for all of the employees that we have in government that I heard the member opposite talking about today in the House when he talked about the importance of making sure that every employee has protection and has an opportunity to discuss issues.

So I think that what the questioning that we're having right now . . . And the member opposite is talking specifically about the unions, and that's important. This Bill doesn't take away the protection that's under existing legislation. But we also are saying, you know what? There's individual employees out there that we need, that we respect in this government. And the opportunity for them to file a complaint is something that should be obvious to them, and that's what we're working for.

Mr. Yates: — Thank you very much, Madam Minister. I'm well aware of . . . And I will get around to individual employees in a few minutes. But I want to establish here tonight for the employees of government and their different positions in the different . . . which they may bring forward information, what their rights and protections are.

And so I want to start with people who will be the anomalies. And the anomalies are those who are elected by their peers to represent them in protecting them. And I want to ensure that people who have those rights in fact continue to have those protections and that the government isn't going to be closing down the unions' right to speak out on behalf of their members or to bring forward information on unsafe workplaces and so on and so forth on behalf of their members.

Hon. Ms. Draude: — To the member, I will say to him this Bill does not take away any protection under existing legislation.

Mr. Yates: — Thank you, Madam Minister. That doesn't totally answer my question but I will move on to other areas. We may be here longer than I had first anticipated with this legislation because we won't pass it until we get fully answered all the questions that we have.

Madam Minister, this talks about *An Act respecting the Protection of Public Servants who make Disclosures*, but the only people they can make disclosures to are internal to government and the reports that . . . So they can't make . . . Public employees in the province of Saskatchewan are there to represent the people of Saskatchewan, not a political party, not the government as such. They're there to represent the people of the province of Saskatchewan. That is who actually employs them, Madam Minister.

This legislation allows you to go to a departmental person, somebody appointed within the department or the institution, to make a complaint or to, as you call it, a commissioner which will be housed, for the time being at least, in the Office of the Ombudsman. But that doesn't allow any information to be made public. What it does is contains that information within the control of government. How is that in the interest of public disclosure, and how is that in the interest of the people of the public of Saskatchewan, by keeping information from them that the government may be doing something wrong or inappropriate? Madam Minister, could you explain that to me.

Hon. Ms. Draude: — To the member opposite, yes I can explain it to you because I think the words that the member is refusing to listen to is independent commissioner — an independent officer, no different than the child advocate or the Ombudsman. And I'm sure the member opposite isn't insinuating that either of those positions are acting directly with government. The commissioner that we will be putting in place will be an independent officer. They are not . . . They will have the same authority and be working the same way as the other independent officers of this legislature. And I believe that that is, that is the way that it's worked in other jurisdictions, and I have total faith that the people that are hired as independent people will do their job right.

Mr. Yates: — Madam Minister, as members of Her Majesty's Loyal Opposition, it's our responsibility to hold the government accountable. It's our responsibility to ensure that public funds are spent in a way the public would like. It's our responsibility to question the government on its actions. The difficulty with the construction of your public disclosure legislation is that yes, an independent officer can examine it, and a year later we get a report. So a year later the information may not be relevant. The crisis or the expenditure or the misuse of funds or the behaviour that may be subject, should be subject to public scrutiny in this legislature is put off for a full year. And, Madam Minister, the responsibility of holding the government accountable and bringing those issues that are important to the people of Saskatchewan to the public's attention is the responsibility of official opposition, and this prevents that from happening.

Hon. Ms. Draude: — Thank you to the member. I agree; that is definitely the job of the official opposition. And you are doing the job very well, and I'm sure you'll be able to keep it for a long time. But I want to make sure that the members opposite and the people that are listening know that there's nothing in this Bill that will prohibit an employee from going to an outside authority if there's an urgent safety concern. They can still call the fire department if there is a fire or police if there is a robbery or occupational health and safety if they believe there's a violation of that Act.

The legislation, the way it's written, I guess there could be a time when a complaint could sit for a year. But that's not what government of any stripe would want, is a complaint to not to be addressed, because we're talking about the safety of the people that work with us in government. Their concerns are our concerns. So I'm sure I have every confidence that the commissioner will take the disclosures seriously, and we'll work with them as quickly as possible. If we find that there is an issue, if things aren't being dealt with in a timely manner, then through procedures and regulations I assure you that our government, and I'm sure any government, would make sure that there was changes to those procedures and regulations so that we could speed it up because that's the intent of protecting people. That's what we're here for.

Mr. Yates: — Well, Madam Minister, I'm going to use a real example. About 15 months ago we raised for the first time serious concerns in committee on the amalgamation of Carlton Trail and St. Peter's College. At that time we had significant information that employees were terrified — and the word terrified is legitimate — to allow us to use in a public way because they believed they would be fired because the one time

where documents were used, the employee was fired. And there is now hundreds of thousands of dollars being spent on internal audits to that situation. There's millions of dollars of taxpayers' money at risk and we had employees who were terrified — and that is the way to put it, terrified — that if we used that information in a way that was traceable back to them, which all the emails would have been, all the financial documents that we had in our possession would have been, because they were afraid they would be fired.

It would not have dealt . . . This situation, this legislation, Madam Minister, would not have dealt with that. And if these people came forward, the one case where we've had, or two cases when people have come forward, one in occupational health and safety and one in CPS [Corrections and Public Safety], both were fired. One has been put back to work; the other one still has an arbitration process.

[19:30]

So there was millions of dollars of taxpayers' money at risk, and we raised it and it got sloughed off. So we have serious concerns about public dollars, public accountability. And it's the people's money. And these civil servants were bringing the information forward because they were concerned about the people's money, and yet they had fear — real fear, Madam Minister. Like I hope you can understand that there are real issues out there, that people do experience it, real fear about bringing it forward and real fear of reprisal. And this process may or may not have dealt with it because, as we have seen, until we put forward ironclad proof of what was going on, we saw no reaction from the government.

Hon. Ms. Draude: — Mr. Chair, to the member opposite, I assure you that there isn't anybody in government right now that isn't concerned about and respects the fact that there are people that are working with us that have a job to do and they have things that they would like to be able to say to us. If someone is afraid to deal with our government, then that, it doesn't make any of us happy, but I assure you that we are trying, with the Act that we're bringing forward tonight, the discussions that we've been having with the people that work with us in government, to make sure that they know that their, not only health and safety, but their happiness with their job is something that's very important to us.

I know that the member's brought up a number of human resource matters that really they're not discussed in something that we'll be discussing tonight, but what we are discussing is making sure that we have another avenue, another line of opportunity for people who have concerns about what's going on in government to come forward. And this hasn't been tried when the members opposite were in government. They had talked about it in some ways like this, but it wasn't there.

We have an opportunity right now as government to try a new process that will ensure that the people that are working with us in government and go to work every day, doing a terrific job, making sure that government policy is carried out, they have a way to express their concerns, if there is any. That's why we have not only someone that they would work with on a fairly daily basis, but an independent commissioner as well that they can talk to if they're not comfortable with the government, with

someone working in their area.

So I do understand what the member is saying, and I respect the fact that he is concerned about the people that are working with us in government. And this is one of the areas, this is one of the ways that we're trying to deal, that we will be dealing with these feelings that people may have.

Mr. Yates: — Thank you, Madam Minister. I feel very passionately about the professional, career civil service and the right of the civil service to act in the best interest of the people of Saskatchewan. And that can never be done if people are afraid to do their jobs. And this does provide a mechanism to bring forward information, but it contains it within government and contains it within a process that doesn't allow it to become public till long after it is probably a fait accompli.

What assurances do the public of Saskatchewan have and do we have in a process that ultimately reports back to the same people who may be responsible for the action that's wrong or that the government's going to carry through and improvements are going to be made? Because by the time the information is tabled in this legislature, 12 months or more could have passed, and the information at that point may be irrelevant and the damage done, impossible to repair I guess.

Hon. Ms. Draude: — To the member, I know and I believe that you do feel passionate about this issue. There's no doubt about it. I've been in the Assembly for I believe as many years as you have been, and I've heard you talk about issues when it comes to unions and the people that are working in government. And you are passionate about it, and so am I, and so is our government. And that's why we are bringing forward this Bill. And that's why we're doing something to be able to help people feel comfortable that they can talk about issues that are going on in their workplace.

Part of the Bill that we're bringing forward talks about reprisals prohibited. And I'm going to read it to you so that people — yourself and people that may be listening — understand that as section 36 says:

No person shall take or direct a reprisal against a public servant or former public servant because the public servant or former public servant has, in good faith:

(a) sought advice about making a disclosure from the designated officer or permanent head of the government institution in which he or she is employed or the Commissioner;

made a disclosure;

co-operated in an investigation pursuant to this Act; or

declined to participate in a wrongdoing.

To the member, I have no idea why the member feels that the independent officer, who could be considered parallel to people that we all respect, like the Ombudsman and the child's advocate, would sit on anything for a year. The work that they would be doing and making recommendations to government and making sure that the people who are important to us, the

people that work with us in government — if they have an issue, we have to deal with it. And it's not something that we're scared of doing; that's why we brought forward the Bill, to the member. I think that there's every opportunity to show that the independent officer, that the work that would be done by that person could make a difference in the lives of the people that work with us in government, make a positive difference. And if that isn't happening, I assure you, we will be all hearing about. I'm sure the member will hear about it, or I will hear about it.

Mr. Yates: — Madam Minister, the issue becomes this. It becomes public — and the details never become public — but the issue becomes public only when the commissioner would file his report annually. So at that point of time, it could be more than 12 months from the incident before the public or the official opposition are aware of the issue. In the meantime, the issue is contained within government. And ultimately the commissioner will report back to a departmental head to act on, but without knowing it, how do we know (a) it's acted upon; (b) it's done properly because there's no ability to question it till well after the act?

And it could be the protection of millions of dollars of public money; it could be the protection of an individual who is wrongfully accused of something; it could be any one of a hundred different things, but it's a year before, potentially up to a year before it is tabled in the legislature. And at that point, we have to have . . . What you're asking for us is to have faith that the government is always going to act in the best interest of the public of Saskatchewan because bringing the information forward and asking questions in this Assembly holds the government accountable and lets the public know what the government is doing. This puts off the process for a good . . . could be for months or up to a year.

Hon. Ms. Draude: — Again I'm going to reiterate to the member that he doesn't seem to have the same faith in independent officers that I do. And I think the other point that's important is to realize that for some reason the member doesn't believe that government would act on recommendations that would be made unless it was brought forward either publicly or to the opposition. I want to believe that the members opposite, being in government for a long time, didn't wait until it came to the floor of the Assembly or to the attention of the opposition before they would act on a serious issue. I know that we won't.

I know the information regarding disclosures, investigations, and recommendations will be laid before the Legislative Assembly and it will be open to the opposition to talk about at that time. But before then, the people that have been elected by the good people of Saskatchewan do know what should be done. They're not going to wait until the opposition says, this is what you should do.

We are working in the best interests of the people that are helping us as government initiate and take forward policies and programs and services that are beneficial to the people of the province. We care about those people because they are important to us as well. The member opposite should realize that politicians on our side of the House and probably his side of the House care about the people that are working with them.

Mr. Yates: — Madam Minister, I'm not wanting to suggest

every issue is of the nature that there would be problems with, but if there are one or two a year that don't get dealt with in a timely manner . . . And I go back to Carlton Trail. It was raised, the concerns, the red flags were raised well over a year before we finally got the type of action and audits that were necessary to protect public money.

Now I don't want to leave the impression that we think everything is a problem and everything would . . . But it's those that maybe take a year to bring forward because of the fact that a report is tabled annually. This legislation would even be much better if each time there was an investigation, it was tabled with the legislature at the time of the investigation or the report; there was individual reports because it's much more timely. The concerns are for those occasions, and I hope they're very rare, where there are those types of concerns that further investigation is warranted. Questions should be asked in the public interest. The sooner that's done, the better the public interest is protected. Now again, I want to reiterate, I don't believe that's every situation. I don't believe that's . . . I hope it's a very rare situation. But when those exist, the sooner we can act on them, the better the public interest is protected.

Hon. Ms. Draude: — I understand what the member is saying. And I know that there's . . . Our goal is to make sure that we act on any issues as quickly as possible. I know we'll do it, and I think that the member opposite would do it if they ever get a chance to be sitting on this side of the House again. But I know that this is not politics. This is something that we should do and must do for the people that are working with us in government. It is an important issue. It's one that was not only a part of our campaign promise, but it was part of the mandate letter. And it was something that we've spent a lot of time making sure that we're doing something that follows the processes or procedures that are in place in some other jurisdictions, but something that's Saskatchewan as well.

I'm not sure if the member opposite knows this, but I'm just going to give you an idea of the number of the issues that were brought, disclosures that were brought forward in other jurisdictions. In 2007 there was three in Manitoba. In 2007 there was 33 in all of Ontario, and there was five in Nova Scotia. In the last number of years, the numbers are always 5, 6, 7, somewhere in that area. It's not huge numbers, but every one of them is important. And that's why, when we talk about having an independent officer, when there's that amount of work, we're quite confident that the work can be done immediately. And if we, through discussions, find that there is more resources needed, they'll be there because this is an important issue.

Mr. Yates: — Thank you very much, Madam Minister. I want to now move on to talking about the process of when an employee is uncertain how to proceed with an issue. I agree that in most cases that will be a very small number in a year. I don't expect that you're going to see hundreds of . . . I expect you're going to see half a dozen, maybe a dozen circumstances in a year, maximum.

Many times employees may be of the opinion that there is a problem. In cases where, let's use the most likely type of scenario, a financial irregularity problem, but they're not sure. They're seeing some things that they think maybe isn't being

done appropriately, but they're not sure. And I've had people phone me about these types of things over the years. And they're not sure if somebody may be, for lack of a better word, taking funds they're not entitled to or doing things they're not entitled to because they don't know that person's job exactly, but they're uncomfortable about something they see.

So I want to talk about that process because we've had several of those over the last decade that have become public and somebody . . . You know, every year there are disclosures of these. Could you lay out what you see as the appropriate process for an employee who has that suspicion or feeling, and how would they go about appropriately handling that?

[19:45]

Hon. Ms. Draude: — Thank you. This is an important question. The first step — I've talked to my officials, but I believe it's something that would make sense to you and I as well — is we'd seek advice from the designated officer within the ministry, or if they're not comfortable with that, they could go to the commissioner. And then once they've made the decision of whether they want, the employee has decided whether they want to go ahead, they put their thoughts or their worries in writing, and then they are given to the designated officer or again to the commissioner, and then the process will go on.

Mr. Yates: — Thank you very much. Madam Minister, in a . . . And I'm going to use a situation that has actually occurred in one of the Crown corporations where a junior accountant had concerns about bills being paid that should not have been paid, didn't really know because it was the individual's supervisor who was paying these bills. And part of it had the potential for this supervisor to be paying herself. How would the commissioner or the person designated in the department be able to help the person in that situation, in that they're not going to know any more than the junior accountant about whether or not what's being done is appropriate or not. I'd like somebody to lay this process out so employees who are listening tonight feel comfortable about how they would do it or that they'd have something to read at least in the future.

Hon. Ms. Draude: — Again thank you. Part of this, the reason why the Bill is coming forward and the work that we are doing and the concerns that the member opposite is talking about, is making sure there is accountability and transparency. And that's part of the issue that we are dealing with tonight.

The designated person within the ministry will either be trained . . . they'll be trained or experienced, and they will have access to legal advice. And if, the scenario that you're using, the person may be, the person that he or she would have been talking about may have been the designated person within that ministry, then they could go to the commissioner himself. That commissioner has the . . . They will be trained, and they also would have the opportunity for legal advice. And once this is in writing and it's something that this person feels very sure about, then it will be investigated.

Mr. Yates: — Thank you very much. Madam Minister, could . . .

Hon. Ms. Draude: — I also would like to . . . Thank you to the Chair and to the member. The procedures and the regulations are being developed at this time, and some of the discussions that we're having tonight may even help build on regulations and procedures that we'll be looking at. But there will be . . . We will make sure that there is sufficient expertise in the areas so that any allegation or worry about wrongdoing can be investigated in a way that will get to the bottom of the matter, knowing and remembering that whoever makes that allegation is going to be free from reprisal.

Mr. Yates: — Okay. Thank you very much, Madam Minister. My next question, and it's following up on this. If you're bringing forward an allegation about your supervisor and you're not sure — but you want to err on the side of caution, right? — what processes are anticipated through this legislation to ensure that there isn't later workplace reprisal? It's a difficult environment if the work relationship between the supervisor and the employee deteriorates. Like, the human element in a real workplace is that that may cause problems even in the most professional of employees.

Hon. Ms. Draude: — I agree. I think all of us have worked in a real workplace and are aware that these are issues that could happen, but I assure you that there is, if there is . . . And I would want to believe that people may have their feelings hurt or be a little taken back if somebody believes that they are doing, there's a wrongdoing and there isn't. Then that person should maybe feel kind of happy to clear their name. And if there is something wrong going on, then we should know about it.

But at the end of the day, that's what the Act is doing, is protecting the person who wants to make sure that if there is any, if he has a fear that there's wrongdoing, that he has the opportunity to bring it forward. That's what people that are working with government are doing, that they have sworn their oath to work with government and to make sure that they are doing their job to the best of their ability. And that's what we are expecting, and this is what this legislation will help protect.

Mr. Yates: — Thank you, Madam Minister. Is there the possibility of bringing forward a concern anonymously or from a supervisor if they're in the same work unit, or is the process always full and open disclosure?

Hon. Ms. Draude: — To the member, no, it has to be a written concern. We can't just have . . . If someone feels strongly about an issue, then I would think that they would be willing to stand up and say that this is my concern.

My officials are talking about even right now in a workplace, there can be times when people just plain don't get along and that there are times when there needs to be somebody brought in that will help to not exactly mediate but to get to the bottom of any issues that may be happening within the workplace, whether it's harassment or any of the numerous issues that can happen within a workplace.

People spend most of their waking hours in a workplace, and you're dealing with people you respect and like, and sometimes it's somebody who doesn't . . . you don't see eye to eye with. And in order to get the job done, and that's whether it's working in government or wherever it may be, there are some

times we need some help to make sure that issues between personalities don't get in the way of everybody doing their job to the best of their ability. So even today that's going on on issues that don't even include this disclosure.

Mr. Yates: — Thank you very much, Madam Minister. When I was asking that particular question, as you know, many times in the workplace somebody may think there's a problem, and there may not be. The reality is you're not doing the other person's work, but if you think there is an issue and you raise it, it could create a workplace problem that doesn't currently exist.

Madam Minister, what happens if, again working through the scenario as you would see it, if an employee brings forward a concern, it's investigated, and it's found to be not valid. And new or more or subsequent information comes forward, and the original concerns were valid. And I'm looking at a scenario when potentially something's brought forward, there isn't evidence of it, but evidence emerges later in a financial irregularity or something like that. Do you go back and deal with the original concern being raised, or does it get reinvestigated? And if something like that were to occur — an employee brings forward a concern. It's found not to be valid. Six months later they bring forward another concern because there's information that wasn't found — how do we deal with that particular situation?

Hon. Ms. Draude: — Mr. Chair, I'm going to ask Mr. Zerr to answer this. And I know that the member's just brought up a hypothetical issue because it may be something that happens. His question is what happens if they . . . if an issue is, if a written complaint or disclosure is put forward and there was a decision that there wasn't anything there, and then later on there was more evidence saying that there was. I'm going to ask Don to answer that.

Mr. Zerr: — We are from time to time faced with those sorts of circumstances. For instance in harassment, a complaint is laid, not founded. You go back six months later and additional information comes forward. You go back and you simply deal with it. So because it's hypothetical, I can only answer it in a hypothetical way, but it would depend on the type of information that came forward whether you treat it as a new concern or a continuation of an older concern. The important thing is that it be dealt with.

Mr. Yates: — So it would be dealt with if . . . Okay, thank you. That's my biggest concern is that something would not be, not dealt with simply because somebody may have brought forward an additional issue or concern. Because in dealing with financial issues and other things, there can be oversights and information come forward. I think that concludes my questions.

The Chair: — Thank you. If there are no other questions . . . No more questions? Seeing none, we will proceed to the vote on the clauses. This Bill has 46 clauses. Is leave granted to review portions of the Bill by parts?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Part 1, clause 1, short title, and clause 2, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 46 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 147, *The Public Interest Disclosure Act*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 147, *The Public Interest Disclosure Act*, without amendment.

Mr. D'Autremont: — I so move.

The Chair: — Mr. D'Autremont moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Madam Minister, if you have any closing remarks.

[20:00]

Hon. Ms. Draude: — Yes, thank you to the Chair. I'd like to thank the member opposite for his questions. Obviously he's well researched in this area. I want to thank my committee members for being here tonight. But I want to thank the people that are working with us in the Public Service Commission for the work that they've done, not only on this Bill which I know was a lot of work, and there was a lot of time and passion put into it, but the work that they do on an everyday basis. So thank you very much.

The Chair: — Mr. Yates has some comments?

Mr. Yates: — Thank you very much, Mr. Chair. If I could, I'd like to thank the minister and their officials for coming this evening and answering our questions. The integrity of a strong public service is very important for the people of Saskatchewan.

The Chair: — Thank you. If there are no other comments, this concludes our business tonight. I would ask a member to move a motion of adjournment.

Mr. Allchurch: — I'll do that.

The Chair: — Mr. Allchurch has moved. All agreed?

Some Hon. Members: — Agreed.

The Chair: — This meeting is adjourned. Thank you.

[The committee adjourned at 20:01.]