



STANDING COMMITTEE ON THE ECONOMY

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**STANDING COMMITTEE ON THE ECONOMY
2007**

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Regina Dewdney

Mr. Randy Weekes, Deputy Chair
Biggar

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Hon. Deb Higgins
Moose Jaw Wakamow

Mr. Delbert Kirsch
Batoche

Mr. Eldon Lautermilch
Prince Albert Northcote

Mr. Lyle Stewart
Thunder Creek

[The committee met at 15:50.]

The Chair: — Thank you very much, committee members. I'd like to call the meeting to order. The item before the committee is Labour estimates, vote 20.

**General Revenue Fund
Labour
Vote 20**

Subvote (LA01)

The Chair: — Mr. Minister, could you introduce your officials that are here with you.

Hon. Mr. Forbes: — Thank you very much, Mr. Chair. Good afternoon, everyone. It is a pleasure to be here today to introduce you to the Department of Labour officials who are joining us this afternoon.

To my right is Bill Craik, deputy minister of Labour. Jim Nicol, assistant deputy minister, is on my extreme left. John Boyd, executive director, planning and policy is back at the table back here. Eric Greene, director of labour standards is over up behind the bar. Glennis Bihun, acting executive director, occupational health and safety division is also in the back row. Doug Forseth, executive director, labour relations and mediation division. Cheryl Senecal, director of finance and administration is with us this afternoon along with Margaret Halifax, director of office of worker's advocate.

Joining us today as well, Peter Federko, chief executive officer, Workers' Compensation Board is here with me at the front table. Gail Kruger is also here from Workers' Compensation Board. She is the vice-president, prevention, finance, information technology, and she's at the back there. And also with us is Melanie Baldwin, board registrar from the Labour Relations Board. She's at the table back here.

So with that, before we begin, I'd like to take a few minutes to provide a brief overview of this year's Department of Labour's budget. This year the Department of Labour will receive an additional \$535,000 for its annual budget, the majority of which will be spent on occupational health and safety initiatives.

Occupational health and safety is an important part of the work we do at this department. Thirty-five years ago, Saskatchewan became a leader in North America as the first jurisdiction to introduce occupational health and safety legislation. The department has maintained occupational health and safety as one of its primary concerns, and I'm proud to say that we have reduced the provincial injury rate by 18 per cent since 2002. We plan to build on that momentum and further reduce the provincial injury rate with some of this year's new funding.

As I've said, the majority of the new money will be spent on expanding our successful injury rate reduction strategy by, one, developing and distributing a new educational resource including a layman's guide to The Occupational Health and Safety Act and regulations. Funding of \$220,000 is being provided for this purpose. Two, we're directing \$60,000 towards a needs analysis to provide workplace joint

occupational health committees an opportunity to discuss their concerns directly with the department. This is important because occupational health committees now cover 87 per cent of workers, and helping these committees be effective is essential to building healthier and safer workplaces. These activities support the recommendations of the Occupational Health and Safety Council.

The other major portion of the new funding is \$100,000 to increase our labour standards presence in the North. This money will support the creation of one new position as well as office space and travel and education materials that will be needed to supplement the existing resources, such as our toll-free information line and website. This work is undertaken to address some of the recommendations of the northern overtime exemption review submitted this February by the member from Regina Northeast. So I look forward to the opportunity to answer your questions, and we'll go from there. Thank you very much, Mr. Chair.

The Chair: — Thank you very much, Mr. Minister. Are there any questions? I recognize Mr. Hart.

Mr. Hart: — Thank you, Mr. Chair. Thank you, Minister, for those comments and the overview. You already answered one of my questions as to where the additional one full-time equivalent in your department. And I believe I heard you say that that position is allocated to northern Saskatchewan for labour standards — promotion and information and education of labour standards in the North.

Could you just explain a bit more as to what that whole initiative, what type of initiatives and tasks that you will have your department people undertaking in the North.

Hon. Mr. Forbes: — Well when the member from Regina Northeast did his work, he spent a lot of time actually up north talking to folks and soon discovered that one of the areas we needed to do was to talk about labour standards in general and in particular the issue around overtime. That's what got the ball going in the first place, but it was clear that there was other issues that they could be doing.

And clearly, you know, the best way to do labour standards of course is to make sure everyone's educated and understands the processes — and that's both from the employer and the employee — and also to know how to get resources so that the workplace can be as fair as possible. And so there will be a big educational component as we move forward with this. Well we've got work to do in that area so . . .

Mr. Hart: — Thank you for that information. Minister, when you were giving us a breakdown as to where some of the additional funding . . . or how some of the additional funding will be used, you mentioned, I believe, was it \$200,000 to educate workers about occupational health and safety or labour standards? I wasn't quite clear. I wonder if you could just answer that, and then I probably have a follow-up question to that.

Hon. Mr. Forbes: — One of the recommendations from the Occupational Health and Safety Council was to put the

regulations in a format that was more easily understood by everyone involved, the employers and the employees. And so that will go — it was \$220,000 to be specific — will go to that project because we know, we're pretty confident if people understand the rules that we'll follow them to a larger degree. But occupational health and safety can be pretty technical at times, and so we want to make sure that we produce a layman's guide to understanding the regulations.

Mr. Hart: — So this information that will be sent to workers, will this also, information is available for employers? Do you have specific information kits for employees and employers, or is it a general information kit? And are employers part of this overall information initiative that you are undertaking?

Hon. Mr. Forbes: — I'm wondering if Glennis can come down and talk about the actual design of the communication. But communications is a huge part of this and I'll let Glennis speak specifically to that project.

Ms. Bihun: — The purpose of designing the tool is actually to benefit not only workers but also very much employers. And quite honestly, also division staff as well. So it becomes very useful in that it puts in user-friendly terms some interpretations, the how-tos of application of the legislation that is often in legalese that isn't easily understood by everyone. So we see it very much as benefiting all parties.

Mr. Hart: — Just to, so I get a sense of how comprehensive the package is, are you looking at sector-specific packages for, let's say heavy industry, which probably have more capacity to interpret the legalese versus small businesses that are just developing? Or is it just one-size-fits-all in your package of information?

Ms. Bihun: — The actual framework for how the guide will be developed is still being fleshed out. However one of our starting points is the division already has quite a number of guidelines in place. It's certainly important to also consider that the legislation itself is laid out in parts already. Many of those parts are relevant to specific sectors. We know through other experience that when these projects have been undertaken in other jurisdictions, it's huge. So we want to be able to study what others have done and consider feedback and input from the various stakeholders about what they would like to see. And so we don't want to do it in isolation. So we're still developing that framework. It's very preliminary yet.

Mr. Hart: — When do you contemplate that the package will be ready for rollout? What are we talking about in terms of timeline?

Ms. Bihun: — I'm guessing, but I would anticipate a minimum perhaps of two years before the entire package would be completed.

Mr. Hart: — Okay. Thank you. Thank you for that. Minister, I just thought we would look at the estimates and just, you know, have you explain some of the activities of your department and the makeup so we'll have a better understanding of how the department is structured and the various divisions within the department and so on.

On page 114 of the Estimates books, vote (LA01), central management and services, the information under that section talks about providing, provides for the development and delivery of balancing work and family planning. And I understand that's a fairly new initiative within the department. And I think it's certainly — from the bit of reading that I've done and so on and the bit that I understand — the initiative, I think it's quite timely in today's environment with the shortage of skilled labour and professionals and so on. We need to have an environment where families can operate and we can encourage as many people with skills and knowledge to enter into the workforce.

But I just wonder if you could just basically explain where we are with this balancing work and family planning, where your department is on that piece. And I guess just as a follow-up — perhaps maybe some of your staff could be looking for some of the numbers — how many full-time equivalents have we got devoted to that initiative within your department?

Hon. Mr. Forbes: — Well thank you for that question. Actually it's an initiative that we're very proud of, launched some 10 years ago I believe, and it's a real flagship initiative across Canada. We had a major conference this spring and we had people across Canada coming here to see how we do this and what the work-family balance unit's all about. It's based in Saskatoon and if you would like me to bring or ask, bring the executive director down for more discussion around that, we could definitely do that.

We have three FTEs that are assigned to this unit and their budget is about \$275,000 annually. We have a performance plan; we could take a look at that specifically. But I can tell you that they do an awful lot of good work, both in terms of what we have often thought about — family, younger families, that type of thing — and the whole issue around child care issues that family members face, predominantly women. But we're also looking at now also the, looking after the issues around seniors, that type of thing. Because that's a new issue that families are facing called the sandwich generation.

And so we're doing an awful lot of good work in that area about cutting-edge issues and we're working very well. I know that the unit has done an awful lot of good work with the business community and partnering with this. We talk about — and I had the opportunity to talk about this in Fredericton — about the non-regulatory approach that this unit is promoting. Because you really do have to be flexible and you have to have employers onside and it's really encouraging to see the interest that's being taken up. And also because . . .

And I should just say, now that you've got me on this, that the federal . . . When we were in Fredericton we were able to talk a lot about this and so we're going to be helping at the federal level with their labour codes around this Arthurs report and specifically their initiative. So this is something we're very proud of.

Mr. Hart: — Thank you, Minister, for that information. We will see how our time allocation goes and we may take you up on your offer. You mentioned the sandwich generation and I can certainly identify with that and, you know, and I certainly agree that we can address some of the issues, as you said,

dealing with seniors and with young families and some of us grandchildren and so on. Certainly I think it's a worthwhile initiative.

But just staying on the theme of sort of reviewing the estimates in more general terms, and then we'll get into some of the more specifics.

The next item is occupational health and safety, and there's \$6.8 million or almost \$6.9 million allocated to that vote. I see there's an increase of about \$754,000 if my math is correct. I wonder if you could explain, you know, the reason for the additional cost, and then I would probably have some other follow-up questions dealing with this particular vote.

Hon. Mr. Forbes: — Well occupational health and safety is one of our prime initiatives and responsibility is to make sure workplaces are safe in Saskatchewan. And so they will see an increase, approximately \$754,000, which represents an 11 per cent increase in base funding. Of this, we've talked about 363,000 is new funding that will include 300,000 towards phase 2 of the action plan for health and safety workplaces, and 63,000 will be targeted towards a salary supplement for mining engineers who are part of the inspections.

Of the \$754,000 increase, 562,000 will be allocated to salaries — 130,000 of that is new funding and 432,000 is salary adjustments; 192,000 will be allocated to operating expenses.

So when you break down the operating expenses, 60,000 for strengthening the occupational health committees, which I alluded to in my opening remarks, where they're doing some setting of priorities; \$90,000 for travel, supplies, and equipment; and \$20,000 for educational resources.

Mr. Hart: — Minister, how many full-time equivalents are allocated to occupational health and safety to this particular vote? Would you or your officials have that information with you today?

Hon. Mr. Forbes: — We have 79 FTEs [full-time equivalent].

Mr. Hart: — Okay. Now the Labour Relations Board. This is a board that you as minister are responsible for, but in previous discussions in past years it's my understanding that it's an arm's-length board. But the Minister of Labour is responsible for that board.

I presume nothing has changed. I haven't seen any legislation recently that would change that. And the funding, the total funding for the Labour Relations Board comes from your department. Is that correct?

Hon. Mr. Forbes: — Yes that's right. It's very important. I appreciate you raising that because it is important. It's a quasi-judicial type of board. Arm's length, very important. Bias is very . . . We're very sensitive to that to ensure that there's no sense of bias and that we're, you know, very transparent in how the board operates. So the funding comes through our vote and so I'll be pleased to answer any specific questions. Melanie Baldwin is here as the registrar if you have specific ones on that.

Mr. Hart: — No. I think perhaps later in our session this afternoon we may get back to that. The full-time equivalents at the board, they're part of your overall department's full-time equivalents? Or are they, because it's a board, are they not counted in your full-time equivalents?

Hon. Mr. Forbes: — There are eight positions and they are counted part of our total FTE.

Mr. Hart: — Thank you. On page 115 of the Estimates book we have the vote (LA07), labour relations and mediation, and the information provided is of this . . . division of area of your department provides conciliation and mediation services. I guess, again just to keep up the pattern, how many full-time equivalents would you have devoted to this activity within your department?

Hon. Mr. Forbes: — The labour relations and mediation division, they do a very important job in terms of helping unions and employers come to successful conclusions in bargaining and anything else that may come out of that. There are four full-time positions.

Mr. Hart: — Thank you. Now do you . . . Under this vote and this responsibility as far as providing conciliation and mediation services, do you contract services of individuals or perhaps law firms to provide some of these services on a contract basis? Or are all the mediators department employees?

Hon. Mr. Forbes: — When we have the adjudicators — am I using the right term? — they would come out of this. And then also when we appoint special mediators, which I've did twice in the last budget year, they would come out of this as well . . . [inaudible interjection] . . . I'm just going to be corrected. Adjudicators come out of the OHS [occupational health and safety] side. Right.

Mr. Hart: — For adjudicators and mediators, what type of expenditure have you budgeted for the current fiscal year for those particular contracted services?

Hon. Mr. Forbes: — I want to be clear on this. We've actually increased the funding \$35,000 to accommodate greater demands for mediation assistance, that type of thing. But our staff does a lot of the mediation work themselves. So we don't contract out as much, and I don't want to leave the impression that we're hiring outside special mediators all the time; in fact that's very rare. And so if that does come up, then we do look within our resources to provide for that. And there is some flexibility but we don't actually have a line set aside that we anticipate that we will be hiring outside for that specific case.

A lot of the work we do, I would say, is training and that type of thing too — especially in the interest-based bargaining — so that we're trying to be proactive as opposed to reactive in this circumstance. So we do get involved in circumstances where help is needed and they've asked for help, both employers and the union. But that would be internal.

Mr. Hart: — Minister, I would presume that when municipalities are in negotiations with unions and protective services of police and firefighters and . . . If they can't reach an agreement amongst themselves, is there a special process for

those protective services that's in place in Saskatchewan? I don't recall and I'm not sure; it seems to me these people aren't allowed to go to strike. And what's in place to deal with these negotiations? I know I have heard from some municipal leaders who felt that perhaps they don't have as much . . . they can't represent the taxpayers and the ratepayers of their municipalities as effectively as they feel they should, but there's that delicate balance. And I wonder if you could just explain that whole process dealing with labour negotiations with protective services.

Hon. Mr. Forbes: — What I'll do is I'll get the deputy minister to explain the actual processes. But it's been raised to me as well because, I mean, there is a trade-off in terms of . . . Here are employees who provide a very important service in the community, but there are risks and we've seen, you know, what happens. We all can remember just this past January, I believe, in Winnipeg where two firefighters had passed away.

And so while I don't believe they've completely given up their right to strike, this is very much . . . It's very difficult and so in that process that now, within labour law, there's a process to bring in conciliation and of course . . . But there are challenges too. And I appreciate there are challenges that municipalities face in terms of bargaining. But then you have the challenge of, if you don't have these folks and if they're not willing and they're not trained the way they should be, there are risks to life and property for everyone involved. So there is that balance. But I'll ask the deputy minister to go through the process in more detail for you.

Mr. Craik: — Thank you, Mr. Hart. I'll try to give you an overview of this particular area. The area involved in firefighters and police particularly is different from labour disputes with other unions or employers. In the situation involving firefighters and police, the resources of the department are often looked to first to try and keep the parties talking, or the conciliation stage. And at the request of the parties we have in the past provided conciliation to various municipalities in the province, and reports have been written. Sometimes those reports are relatively brief if there is no resolution, because you're trying to make sure that the ability to continue to negotiate continues.

If there's no settlement at that stage, there is the possibility of going to appointment of a special arbitrator by the minister in cabinet. And that has been acted upon a few times in the last few years where cabinet has appointed an arbitrator. Now it's a slightly different situation than a normal labour relations situation where the Chair of the board of this type of arbitration normally needs to have the vote of one of the other nominees if you will, employer or employee nominee. But it's slightly different in that the Chair individually can make the binding decision.

Now if you have that situation where . . . We've in the past couple of years had extensive consultations with either the employers or their representatives in terms of consulting about going through the process, offering conciliation then if it's to go to arbitration, talking about the arbitrators that will be chosen.

And to be fair, there have been concerns expressed by employers and employees when the government has chosen

from outside the province, because there had been a period of time going back just maybe four or five or seven years ago where outside arbitrators were being appointed and now there's the situation where government's using inside appointments, or inside the province. So once that decision is made the parties are still at liberty to make their own deal, make their own settlement. And one case recently, the agreement had been made to appoint a named individual and the parties struck a balance and struck their deal. Sometimes, as often is the case in this area, you'll have to have the case go to full hearing with all the evidence and then see whether or not they will, you know, either settle while it's under way or wait for the decision of the arbitrator. So we've seen, basically along that kind of continuum, different situations.

Mr. Hart: — So just so I'm clear on this, the first process — if there is no agreement — is a conciliator works with the two parties and that would be an employee from the Department of Labour. Is that correct?

Mr. Craik: — Typically, yes, in response to a request from the parties. And it's typically been one of the employees of the department.

Mr. Hart: — And then the next step is to go to arbitration. You mentioned there's a Chair, and then is there representatives from both the employer and the employee that make up this arbitration board? Or is it just the Chair?

Mr. Craik: — A three-person board, yes.

Mr. Hart: — But the difference in this — dealing with protective services — is that the Chair of the board can make a decision on his or her own without having agreement from either of the two other representatives.

Mr. Craik: — That's correct.

Mr. Hart: — Okay. Now the arbitrators, they are not employees of the Department of Labour. They are someone within the province that is knowledgeable and skilled in this area. Or are they department employees? I wasn't quite clear on that part of the . . .

Mr. Craik: — They're clearly not employees of the Government of Saskatchewan.

Mr. Hart: — Okay. They are most often chosen . . . They are Saskatchewan residents most of the time. Did I hear you say that?

Mr. Craik: — No. I think we've seen . . . In the recent past we have seen out-of-province appointments. Most recently, the last couple of years, they've been in-province appointments.

Mr. Hart: — Just for information purposes, what type of remuneration are we looking for these people . . . I mean, just a range, just so I have an understanding. And the second part to that question is, who pays for the arbitrators?

Mr. Craik: — Well that would be a fair question, but I think it's a question I don't have the answer to because the bills aren't sent to us. The bills are paid by the parties and I don't think I've

seen one of the accounts.

Maybe just to clarify the conciliation process. I know of a couple of situations where it has gone on for an extremely long period of time where a conciliator has met with both parties, has met with the union, has met with the municipality. He has met with . . . You know, not a question of weeks but months leading into sometimes over a year before the decision has been made to ask for the appointment by the minister and cabinet of an arbitrator.

Mr. Hart: — Thank you for that information. At least I have a better understanding of how that particular process works.

Minister, the next item is vote (LA03) labour standards. Again the number of full-time equivalents that your department has allocated to this particular vote . . . I guess you may as well go through and give me the rest of them, of your department, and then we'll just get through that part . . .

Hon. Mr. Forbes: — Sure. Labour standards, we have 35.1 full-time positions. I'll go through them all. The Labour Relations Board was eight, labour relations and mediation was four, occupational health and safety was 79, the worker's advocate was nine, and Status of Women was four, and the central management and services was 40.2. And that should be a total of . . . [inaudible interjection] . . . Central management and services, and that would be the communications, planning and policy people, work and family, and information technology, finance, administration.

Mr. Hart: — And the total? I didn't . . .

Hon. Mr. Forbes: — The total of that was 40.2.

Mr. Hart: — Thank you for that information. I looked at your annual report and looked at the organizational chart at the back of the report and of course then checked the website. And there's one area under the various divisions and so on that I couldn't quite see where they fit in on the organizational chart, and that is the human resource client service team. Where do they fit in as far as your organizational chart? And I wonder if you could also just explain their function, their purpose, and their duties.

Mr. Nicol: — The client service team is based at the Public Service Commission. The Department of Labour along with five other smaller departments was part of an initiative that was undertaken in February 1, 2006, where we transferred the FTEs and the people that provided us the service, and we got a larger core of service now housed in the Public Service Commission. So we along with I believe Northern Affairs, Department of Culture, Youth and Recreation, the Public Service Commission itself . . . There's five or six small departments. That's where it is.

Mr. Hart: — Thank you for that. Dealing with the two boards, I guess. The Minimum Wage Board, is this a board, Minister, that is a full-time board or is it struck when there's a need to review the minimum wage? I wonder if you could just explain the makeup and how that particular board operates. And if there are people currently holding positions on that board, who are they and how they're appointed?

Hon. Mr. Forbes: — The Minimum Wage Board doesn't have any employees like, you know, when you compare it to say, the Labour Relations Board. And their work is pretty specific, set out in the Act in terms of reviewing the minimum wage and the rates which an employer may charge live-in workers room and board and the minimum age of employment. There's currently . . . They have a Chair, John Yeo, from Moosomin. The employer representatives are Clarke Curtis from Humboldt and Luisa Graybiel from Regina. The employee representatives are Carol Cisecki from Saskatoon and Daniel Wirl from Saskatoon. So that's the nature of their work and . . .

Mr. Hart: — These members of this board, are they appointed by yourself? And if so, what is their term?

Hon. Mr. Forbes: — Yes. They're appointed by order in council. And for this board it's ongoing; there's no fixed term.

Mr. Hart: — These board members, are they or are they not members of the Public Service Commission? Would those positions be part of that? Or are they strictly order in council appointees for an indefinite term? Is that what you're saying?

Hon. Mr. Forbes: — Yes, they are not hired under the Public Service Commission. They are appointed order in council. Their terms are indefinite and so they get paid a per diem, or an amount per day that they work.

Mr. Hart: — Thank you for that information. The Labour Relations Board of course, that's a permanent board, and it's made up of a couple of . . . well I'll ask you, I guess. Is there two appointed people and the rest of the people at the board are staff, or are there more than the two appointed people? I'm referring to the Chair and the Vice-Chair.

Hon. Mr. Forbes: — There are three appointments, and so there would be then five support staff. So the Chair is James Seibel, the two Vice-Chairs, Angela Zborosky from Regina and the other Vice-Chair now is Catherine Zuck from Saskatoon. And I should point out that there are, the actual board itself, there are now I believe, let's see . . . eight employer representatives and eight employee representatives for a total of 16. And they're paid on a daily fee as well. But they're order in council as well, they're nominated by their stakeholder groups.

Mr. Hart: — Well, Minister, I just checked the board's website or the directory, I guess, and I notice there's only a chairperson and a vice-chairperson listed. There's a new appointment to the board just very recently? I didn't get the name of the individual.

Hon. Mr. Forbes: — Yes, there is a new appointment, Catherine Zuck from Saskatoon. And her appointment goes through until May 16, 2012. She is the new Vice-Chair.

Mr. Hart: — Now the current Chair, what is the term of appointment for the chairperson of the Labour Relations Board? Is it four years, five years, or longer?

Hon. Mr. Forbes: — The term is not to exceed five years, and so Mr. Seibel's appointment concludes on October 1, 2008.

Mr. Hart: — You anticipated my next question. And the Vice-Chair, I wonder if you could provide me with that same

information?

Hon. Mr. Forbes: — Angela Zborosky's term expires July 1, 2009 and our new Vice-Chair, Catherine Zuck is May 16, 2012.

Mr. Hart: — As far as the appointments of these three people . . . Mr. Seibel, what are his qualifications that he currently has and his work experience? I wonder if you could give us an indication as to his, as I said, his qualifications, his education, that makes him a good candidate for this position?

Hon. Mr. Forbes: — For the Chair positions and Vice-Chairs, it is a requirement that you are a lawyer and a member of the Law Society or . . . No? You are a lawyer. You must be a lawyer. But I should point out the process is through the Public Service Commission. They do the initial hiring and going through the advertising and all of that type of thing. And while at the end it then is an order in council, it's through the Public Service Commission process. And so references are checked, all of that type of thing, so.

Mr. Hart: — I wonder if we just could discuss for a few minutes . . . And we probably will be coming back in the future to the operations of the Labour Relations Board and so on but in a more general way. You, as Minister of Labour, are responsible for the operations of the Board but it's at an arm's length.

I know in the past, myself and other members of this House have tried to obtain at least some information, some very basic information from the board and at least in my own case, from the Chair of the board. And at least in my own case, I wasn't even given the courtesy of a reply. But mostly I know the inquiry that I made is, I had constituents come to me who had cases before the board and they'd been there for quite a while and they were just wondering how long before they . . . when they could expect, you know, a resolution or at least a decision. So I wrote the Chair of the board, and as I said, I didn't even get a note saying yes, we received your letter, but we can't tell you anything.

Where do you see your role, Minister, in dealing with the board in those types of terms . . . or those types of situations? Because when individuals have a case before the board — it's much like workers' compensation — their lives sort of are on hold until a decision is rendered. And sometimes some of these decisions can take a long time. I recall one case, it was well over 12 months. And the people were just asking, well, you know, can we expect something within the next two, three months, or will another year go by?

And it seems to me even though your office, you and your office need to be at arm's length, it seems to me though you still have a responsibility to see that the work gets done in a timely fashion and that people's lives aren't on hold for up to 18 months. And I believe in this one particular case, it may even been 24 months. And I wonder if you could just comment on how you view your responsibilities with regards to those types of issues.

Hon. Mr. Forbes: — I'll get Melanie Baldwin to add some parts to it, but I would say that as minister responsible, yes, I'm held accountable in this House. And also when the annual

report comes out, we check to see how progress has been made.

It's a complicated business in terms of keeping arm's length because you . . . And it's like the workers' comp where we can't get involved. But we do get the odd inquiry. But I haven't had that many inquiries specifically to progress in terms of the LRB [Labour Relations Board] or cases before that. So this is a little . . . You know, I do get several around workers' comp, and we have a process for doing that. So I'll get Melanie to do that.

But I would also say though I go to the LRB website every once in a while just to check on some of the cases that are before that, and I have to say the website's quite good in terms of sharing decisions that are being made, that type of thing. But I'll let Melanie speak to this.

Ms. Baldwin: — I can't speak to the specific situation that you are describing, but generally speaking, inquiries about process, etc., at the board would be made to me as a public servant as opposed to an adjudicator. Sometimes there is some difficulty associated in contacting an adjudicator about a pending case similar to what would be occurring if a person was to contact a judge about a pending decision of that judge. Those kind of communications on behalf of one party to that proceeding are called *ex parte* communications, and if they are occurring, that could amount to a breach of the principles of natural justice by the tribunal.

So generally speaking, any inquiries by parties to proceedings are made to myself and not to the adjudicator who heard the case because those could be seen as *ex parte* communications which could result in the entire process being reversed on judicial review by the Court of Queen's Bench.

Mr. Hart: — Well, you know, I mean we don't need to get into specifics of the case that I was inquiring about. You know, it really doesn't matter. It was just . . . And the inquiry was strictly, you know, when could the people whose case was before the board, when could they reasonably expect to have a decision on this?

And I guess not knowing who to contact, you know, I know I've heard various ministers of Labour say that, you know, they deal with arm's length. And I thought this is, you know, a pretty straightforward question, not trying to influence or be part of any of the process, but just simply asking when reasonably can we expect to have a decision on this case?

You know, my office wrote the Chair of the board, and that's basically what we asked. And we never did receive a reply. Perhaps this can happen. I suppose things can get lost or whatever. But I guess for people who perhaps are watching or will be following our comments, when people have that question as to when can I reasonably expect my case to be dealt with by the board, they should be, who should they be getting in touch with and what is the policy of the board in responding to those types of requests for information?

Ms. Baldwin: — They should be contacting me and I will respond to those requests for information on behalf of the administration of the board. And I think that I . . . I hear your comments about the intention of your inquiry. I think that that's true largely of all inquiries that are made, that the intention is

not to interfere with the process at all.

Unfortunately when you start a dialogue with one party to a proceeding in the absence of the other party, the intention may not necessarily guide what the courts see if that is occurring. So we have a policy that the adjudicators are not corresponding with a party in the absence of other parties with respect to a pending decision to ensure that those type of *ex parte* communications are not taking place.

Mr. Hart: — Does the board not have a schedule as to when certain cases will be heard and, once they're heard, is there not some rules of thumb that perhaps within a reasonable, whether that be . . . Depending I guess on the complexity of the case, whether it be one month or three weeks or four months, I mean, is there not something that, some sort of an answer that can be given to individuals just as far as timeline? What is the policy on the board? These inquiries I'm guessing aren't intended to go to the adjudicators but to the board itself. And what is your policy in dealing with, you know, delays in decisions?

Ms. Baldwin: — Well we do have, in terms of do we have a schedule of when cases are going to be heard, yes we do. We are scheduling cases many months in the future. So there is a schedule as to when cases are going to be heard. Usually we have the next couple of months up on our website but we're also able to provide people with information about hearings as far as they're booked in the future.

In terms of how long it takes to decide a case after a hearing, there is no standard answer for that. We can talk about the majority of cases taking a certain length of time, but it's very difficult — in fact impossible — for myself or any of the other administrative staff to make a definite promise or indication about when a decision's going to come out because, of course, we're not writing those decisions; we're not researching those decisions and . . . So that we have no real control over when that decision's going to come out. So we can talk to people about the majority of cases, percentages of cases, number of days this kind of case normally takes. We can talk about that, but we can't give any assurances of any kind because we are not the people who deliver those decisions. They're actually delivered by the adjudicative end of our operations.

Mr. Hart: — Well I think even if that type of information was provided to individuals, they would at least have some sort of an idea as to what time frame they're looking at, and I would encourage the board to provide that information.

Mr. Chair, my colleague from Martensville I believe has one or two questions for the minister and his staff.

The Chair: — Thank you very much. I recognize Ms. Heppner.

Ms. Heppner: — Thank you, Mr. Chair. I just have a really quick question. I had a constituent contact my office with a question of her own, and we didn't have the answer. So I thought, the minister's here; I'm going to ask you. So I'm just going to read what she had sent in to the office. It's on the mandatory retirement Bill. And she asked:

Currently people on workers' compensation have their benefits terminated when they reach age 65. What will

happen after this Bill comes in? And what if an injured worker turns 65, but was intending to return to work after their injuries heal?

Hon. Mr. Forbes: — I appreciate the question. It's one that we're going into somewhat new ground but not . . . But, I mean, there has been, mandatory retirement has been done away with in Manitoba for several years and in other provinces for sure. So we have experience to draw on. I'll get Peter to give a definitive answer, I think. Can we give a definitive answer? Okay. There we go.

Mr. Federko: — Although the mandatory retirement legislation is not workers' compensation legislation, we have been advised and have seen the legislation. And workers' comp will continue to be exempt from the mandatory retirement legislation. In other words, the termination of benefits upon the attainment of age 65 will continue.

If the worker does return to work following the turn of their age to 65 or over, there are provisions in our Act that have been there for a number of years that provide for benefits after age 65. But the regular retirement age from a workers' comp perspective will remain at age 65.

Ms. Heppner: — So if they return to work after 65 and then sustain some kind of injury, there still is workers' compensation provisions for them post-age-65 if they return to work.

Mr. Federko: — Yes. The legislation provides for three additional years of benefits for those workers that are 65 or older.

Ms. Heppner: — Great. Perfect. Thank you.

The Chair: — Thank you very much. I'll now recognize Ms. Draude.

Ms. Draude: — Thank you, Mr. Chair. To the minister and his officials, I have a number of questions. A large percentage of the time, since we've been returned to this session especially in question period, is taken up with the Murdoch Carriere harassment case. And I know that the minister in charge of Public Service Commission has been asking or answering most of the questions. But I do understand from some of the comments made by the minister and by some of the other government members that there's talk about enhancing the harassment policy. And last Thursday, I believe it was, the Government House Leader indicated to our House Leader that there was actually amendments or a Bill being drawn up to discuss this policy further. Can you tell me, are you working on a Bill?

Hon. Mr. Forbes: — We are looking at ways to do this and, of course, that could impact in legislation. And so I think you'll be hearing more about that in the days ahead. Is that helpful? I think the answer is that we're looking at it for sure. We're wanting to make sure it's as helpful as it can be, and so whether that's in legislation or regulation. But we are looking at legislation right now.

Ms. Draude: — So if you're looking at legislation, is it something that you are looking at for this session?

Hon. Mr. Forbes: — Well clearly we have raised that issue whether it's best to do it now. I mean, harassment is a huge issue. It's one that working people face every day, unfortunately, in too many workplaces. And so what can we do to strengthen The Occupational Health and Safety Act? So we are looking at that. I think we want to make sure — and we do this with all legislation — that there are no unintended consequences, that we achieve what we set out to achieve. And so I think in the next short while, you'll hear more about this.

Ms. Draude: — So when you spoke about unintended consequences, does that mean that you're taking a wide scope of consultation?

Hon. Mr. Forbes: — I think at this point what we're looking at is as we're wordsmithing the document, that it really does strike to how can we make the harassment issue, how can we focus that and talk about the issues around definition, processes, that type of thing. You know, just as we've talked about now, fair processes unfortunately sometimes can take a long time. Can we focus that so it's as quick, but yet understanding that when people go through this kind of circumstance that it's also a very painful circumstance too? And they can't turn on a dime as well. So we want to make sure the legislation is as effective as possible.

Ms. Draude: — So does that mean you are consulting with other groups?

Hon. Mr. Forbes: — At this point it's an internal discussion.

Ms. Draude: — So then are you looking at . . . If it's an internal government discussion, does that mean you're looking at something that will affect both the public and the private sector?

Hon. Mr. Forbes: — The Occupational Health and Safety Act affects both public and private sectors, yes.

Ms. Draude: — So then the consultation process that isn't taking place won't . . . You're not talking to the private sector at all then.

Hon. Mr. Forbes: — Well at this point, I mean, it's so premature. I mean, I wouldn't want to rule that out in terms of that circumstance. You have to start somewhere, and we're starting right now with working on the language that would be best to meet this challenge.

Ms. Draude: — Is it something that you had indicated may happen this session? Does that mean that you have a type of process in mind already? Are you thinking about adjudicators, the type of thing that the LRB has? Or what is the thought process at this time?

Hon. Mr. Forbes: — Well we do in the OHS process use adjudicators as well because when there are appeals made, you first appeal if someone feels that there's an unsafe circumstance. And the officer rules one way. If there's a disagreement, you can go to the executive director, and then it goes to the adjudicator. That's the process right now.

We want to make sure that it's as effective as possible. I think

that what we want to know is . . . Because this is an issue right across North America, Canada. When we were in Fredericton, this was a huge issue when we talked to other Labour ministers around psychological harassment, bullying, all of that type of thing. Definitely people are aware out there of this issue. And how can we make our workplaces as safe as possible?

I would ask the opposition in terms of, you know, this is a critical piece. And of course this was the debate on Thursday, wasn't it? Will there be support in this House to see this go forward quickly? We saw that.

We're anticipating seeing that with the reservists Bill, where that is making good progress. And we did some work together on this. But this is an important one, and so we're being very careful about it.

Ms. Draude: — To be careful on it would mean there would have to be some openness about this Bill — the consultation process — and whether the Bill that's in place right now is similar to other jurisdictions and whether it was the Bill that was the problem or if it was the enforcement is the problem. What are your Justice people saying about the current Bill and the comparison between what we have in Saskatchewan and what is in other areas and the enforcement that's in other areas?

Hon. Mr. Forbes: — Those are critical pieces and, as you may know, Saskatchewan is actually a leader in terms of when we first put in the harassment parts in occupational health and safety. I think it was in '93. The only other province that I'm aware of that has areas that go beyond the harassment, other than the typical human rights issues, is Quebec and of course in Quebec it's part of labour standards. It's not part of occupational health and safety. Now it may be just a different perspective, but why would it be better there than occupational health and safety? I'm not sure.

Enforcement is a critical piece, because how does that happen? There has to be a sense of accountability as well, but yet respecting privacy. That's very important because these can be very, well obviously very hurtful circumstances and painful circumstances. Yet there has to be an accountability here and there has to be a sense of justice as well.

So those are key issues, and as well there has to be a piece around the education part of it so people are aware of how this is coming about, so . . .

Ms. Draude: — Mr. Minister, you had indicated that there was some changes made in 1993 and yet we're aware that there was incidents going back as early as '94, so obviously there was a problem with something. Whether it was the actual regulations or the enforcement is probably up for debate.

The question was asked about our policy on it. We haven't seen what you're doing, and in fact right now I'm trying to get an understanding of how wide you are consulting and of how, you know, what kind of legislation you're looking at. Who's going to do the adjudicating on it? And also because we're sitting in estimates, and this is a Bill that you're looking at right now, that would of course mean that there's going to be added cost to this department. Before any Labour estimates could be passed, I would wonder if there shouldn't be the very right question

asked, how much is this going to cost? Like what's your department, what are you planning? What are you envisioning?

I would think that I would be very hopeful that that's the type of thing that we would be able to get an answer for very quickly before we can proceed to ensure that women — not only in the private sector but in the public sector — are safe in the workplace. So can you give us an idea when you're going to have something ready to show to the people of Saskatchewan?

Hon. Mr. Forbes: — I can't give you a definitive day. I can tell you that we're working on this. This is a priority for us. And in terms of the cost, that's clearly an issue for sure. But clearly this is not something, when we get it out the door, we're going to sit on. I think the opposition . . . Because we'll have to be talking about this as a priority together and whether or not we make this happen, whether we can get this passed this session, because time is moving on us and that's the reality of it. But we see that this is a priority. And so with that . . .

But we are working on this. And I can't share it with you right now because we are in that process right now. But clearly, whenever you do legislation you need to make sure that it does the work it's supposed to do. So I can't tell you much more than that. I appreciate that you're anxious to move on this and I take that as a sign that you'd be willing to, if it meets the requirements that you'll be there with us.

The Chair: — Thank you very much, Mr. Minister. As the hour is approaching 5 o'clock I would like to, on behalf of the committee, thank the minister and officials for coming today and answering the questions. Committee members, I will now adjourn the committee.

[The committee adjourned at 17:00.]