



STANDING COMMITTEE ON THE ECONOMY

Hansard Verbatim Report

No. 42 – April 18, 2007



Legislative Assembly of Saskatchewan

Twenty-fifth Legislature

**STANDING COMMITTEE ON THE ECONOMY
2007**

Mr. Kevin Yates, Chair
Regina Dewdney

Mr. Randy Weekes, Deputy Chair
Biggar

Ms. Doreen Hamilton
Regina Wascana Plains

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 15:03.]

**General Revenue Fund
Labour
Vote 20**

Subvote (LA01)

The Chair: — Thank you very much, committee members. I'd like to call the committee meeting to order. The first item of business before us today is vote no. 20, estimates for the Department of Labour. We have with us the Minister of Labour and his officials. Mr. Minister, would you please introduce your officials to the committee.

Hon. Mr. Forbes: — Thank you very much. It's great to be here this afternoon. On my right is deputy minister of Labour, Bill Craik. And on my left is Jim Nicol, assistant deputy minister. John Boyd, executive director of planning and policy division is right here. Eric Greene, director of labour standards is up behind the bar there. Glennis Bihun is over here. Doug Forseth, executive director of labour relations and mediations division; Cheryl Senecal, director of finance and administration; and Margaret Halifax, director, office of the worker's advocate; Mary Ellen Wellsch, manager of legal policy and legislation; and Melanie Baldwin, board registrar, Labour Relations Board, is also up on the back there. Oh there's Melanie right here. And as well, Peter Federko, chief executive officer from the Workers' Compensation Board is with us today.

Before we start, I just want to clarify one of our answers from last time. Upon reviewing the question regarding mandatory retirement, there was a question about benefits after age 65. And the answer is two years of benefits, not three years of benefits. So just to clarify. Peter had checked that, so okay. Otherwise, we're ready for questions.

The Chair: — Thank you very much, Mr. Minister. I'll recognize Ms. Draude.

Ms. Draude: — Thank you very much. Mr. Minister and to your officials, I look forward to some time with you again this afternoon. There are some areas I want to go into, but I was hoping that maybe you would start today by telling me that you were ready to show me a copy of . . . show the world a copy of the Bill that we talked about at the end of estimates last time. And that's the new OH&S [occupational health and safety] Bill regarding . . . [inaudible] . . . and I believe we spoke to the minister about last evening and in Department of Labour last time. So can you give me an update? Can you tell me what the status of the Bill that we are patiently waiting for is at the moment?

Hon. Mr. Forbes: — Yes. Today I gave first notice and so I'll be doing first reading on Monday. And so appreciate the question. So Monday we'll have the official piece in front of us.

Ms. Draude: — Thank you very much. That means that there is . . . The work is done. And without asking for details of the Bill because it's going through OH&S that means that the Bill is paid for through Workers' Compensation. Is that correct?

Hon. Mr. Forbes: — Now this. . .

Ms. Draude: — I should clarify . . .

Hon. Mr. Forbes: — Now the . . . When you say the Bill, I mean, I'm just thinking about the research and all of that. I mean that's through our policy and legal branch, I believe, and so at this point we can't point back and say it's being paid for by Workers' Comp.

Ms. Draude: — Thank you. And I do apologize. I didn't mean the Bill is actually being paid for.

Hon. Mr. Forbes: — Okay.

Ms. Draude: — The work that will be required because of the Bill, and I'm just anticipating. . .

Hon. Mr. Forbes: — Sure.

Ms. Draude: — Whatever it may be will require funding from some source and that will mean that will come from Workers' Compensation. Is that correct?

Hon. Mr. Forbes: — Now I want to be careful in terms of speculating that the Bill will be passed and all of that type of thing. But of course the costs, we anticipate through OHS [occupational health and safety], the officers and that type of thing, that's how they would be paid through the Department of Labour which gets a grant or a sum of money from WCB [Workers' Compensation Board]. So you're correct in that.

Ms. Draude: — I don't want to get anybody in a wrong or a bad situation so I won't ask any more questions on this until the next time we get together and I would speculate that would be fairly soon. So thank you for that.

I would like to have some questions answered about the Status of Women office, and I don't know if that means that you need a different department official with you but can you tell me are there people working directly within that area of labour?

Hon. Mr. Forbes: — Now Minister Joan Beatty's responsible for that and unfortunately . . . If you have some general questions, the deputy minister. But it might be best to get the questions when she's in front of us and we can definitely arrange for that time. But that's her scope of . . . And you'll see in our annual reports that both of us are part of that. So I can't . . . I don't think it's best for me to comment on that but . . .

Ms. Draude: — Can you at this time tell me how many employees are working within that area?

Hon. Mr. Forbes: — It's four employees.

Ms. Draude: — So I guess then that is something that you prefer not to speak about on this . . .

Hon. Mr. Forbes: — I have some general information, so if you have some general questions we'll answer some. But if we get into specifics in terms of policy decisions and things like that, it might be best to save them for . . .

Ms. Draude: — Okay. Because this is under your purview, can you tell me what is the general focus and goal of the Status of Women at this time? Has it changed in the last while? What is this area working on right now?

Hon. Mr. Forbes: — I might ask the deputy to specifically talk about the goals and objectives that they're looking at.

Mr. Craik: — Sure. Well the Status of Women office has two different kind of major focuses. One is outward, to groups outside the government, and one is an inward-facing focus to coordinate and organize feedback and input from government departments and Crown corporations. So there's the inner focus and there's the outside focus. We've been doing both of those the last couple years.

The additional thing that we have done for most of the last year is we've given quite a bit of attention to the north of Saskatchewan and northern Aboriginal women. So there's been an outreach to northern Saskatchewan and north, being north of Saskatoon, north of P.A. [Prince Albert] into the La Ronge and the northern communities, both east and west. So there has been clearly a push to try and reach and help northern Aboriginal women in terms of getting, just getting together, to communicating with some of the common problems they have. There's been some recent federal papers on violence against women, and those statistics tend to increase the further north you go.

So those are the three major focuses: an inside focus in terms of with the advisers and coordinators of government, an outside approach to Status of Women or women's groups, and then a northern focus as well.

Ms. Draude: — Is there a liaison of any type with the women's commission of the FSIN [Federation of Saskatchewan Indian Nations]?

Mr. Craik: — Well I don't know if you'd say a liaison. There's certainly been a relationship developed with Erica Beaudin. And I know that she has met with the minister on many occasions. She's met with the executive director on several occasions, and I've met with her as well. So certainly there is a relationship with FSIN through her.

Ms. Draude: — Okay. And I know again that this is one area that . . . the women's commission had a department of its own a number of years back. I think it was there during the time of the Murdoch case, but I think it's only been about three years or four years that's it's been part of the Department of Labour. Is that correct?

Mr. Craik: — I think it was 2002, but I may have that wrong.

Mr. Nicol: — Yes, in the fiscal year 2002-03 was when the former secretariat was amalgamated within the department.

Ms. Draude: — Can you tell me why that was done?

Hon. Mr. Forbes: — Now I do want to say that on one hand . . . And I think I, you know, I feel a little uncomfortable answering these questions when we do have a Minister Responsible for the Status of Women who would be best to be

here. And I did talk to the critic about, if we had a sense where the topics were, we could bring the people who could best answer this. So I know Minister Beatty would appreciate being here.

But in terms of that specific thing, I remember when we did go through the reorganization. And if I could speak to just the general thing, there was quite a reorganization of government at that time. And at that time there were issues around costs, but one of the things was to ensure that the Status of Women did continue on. There were challenges that we had, and we had to make some very tough decisions. And I think at that time while we wished we could have continued on maybe, but we think that it's doing an effective job right now.

But I think it's best, and if it's all right with you, I think that if we could have some of these questions further on with Joan because I just feel like it's an area where she most likely would like to have some of the answers . . . be giving the answers.

Ms. Draude: — I thank you, and I will ask the minister when she does come forward. But I guess I'm disappointed that if this isn't an area that is important to the government, especially looking at the issues that we have been talking about in the last month or so in the House, that there wouldn't be a focus on ensuring that issues were looked at by the department, by a group of people who could all answer the questions about an area that's very important to all of us, and that it wouldn't just be one person who could answer the question, why an important block of this government's policy was just shovelled into another department. So I will look forward to asking the minister in charge of the Status of Women when she comes. Don.

The Chair: — Thank you very much, Mr. Minister, Ms. Draude. And I'll recognize Mr. McMorris.

Mr. McMorris: — Thank you, Mr. Chair, for recognizing me. I have a number of questions regarding I guess, first of all, a news release, "Consultations on Proposed Workplace Health and Safety Improvements Begin." And it certainly talks a lot about, and some of the correspondence after talks about health care sector workers. I was wondering if you could give me an update on where that is, what you're hearing as far as some of the regulatory changes that may need to be undertaken in order to reduce the extremely high incidence of injury for our health care workers.

Hon. Mr. Forbes: — Well it's a very important review that we have going on, and it's been . . . The Occupational Health and Safety Council did an awful lot of work in this area and really talked a lot about the health care area and how it needed to develop a culture of a healthy workplace, and this is an important area.

And so I've set two priorities. The first was around construction, particularly around falls, then also within the health delivery system. And so we focused on two or three: the lifting regulations, the shift supervisor, and I think the training of the shift supervisor. So I think there were three regulations that we're asking for feedback, and that actually closes in just a couple of days, and so on the 20th. I'll ask Glennis to give us an update.

But this is multi-faceted. It's more than just regulations. It's all about how do we make that. And we do have an awful lot of work to do in this area we've targeted for as a priority — clearly it is a priority — and it's one that we need to do an awful lot of work. But, Glennis, if you could provide us an update in the health areas.

Ms. Bihun: — Certainly. To confirm what the minister said, the consultation period for the priority amendments in the health sector closes on this Friday, on the 20th. During that period of time we have been having discussions with representatives, both from the unions from that sector as well as with regional health authorities and the Department of Health, particularly focusing on how to best word the proposed changes that have been presented for consultations to move forward to implement those changes.

Mr. McMorris: — I was interested to read a letter from the minister, authored by the minister to health care stakeholders where it talks about a, you know, decrease in the number of injuries, you know, a fairly high decrease of 18 per cent. But unfortunately we are still the second . . . we have the second highest injury rate in Canada which is really quite astonishing although when you look at some of the workers' compensation issues and the number of claims there, I guess it isn't surprising. So the consultation is being done. And it's probably . . . a lot of the consultation is around, as the minister said, mentioned, around lifting and that type of thing.

Have you looked at all into or has there been much consultation into the issue of staffing levels? You can just imagine in long-term care facilities, in acute care facilities, when a person needs to be lifted, to be rolled, to be, you know, whatever the procedure that needs to be done, just talking to health care workers around the province — which I have done — there is no one area that I've ever heard them say, you know we just have an overabundance of staff. And when you need to change a position of a patient, when you need to do whatever procedure you have to do, there's never an abundance of people to do that. And quite often it's left to one or maybe two individuals. And depending on the patient, that's just not, you know, not doable for the health care professionals on staff.

So maybe before I go on too long here, I would like to know what the department's opinion is on that. Has it been looking into staffing levels, because I truly believe a huge part of the injury rate in the health care profession is a direct result in the decrease in staffing levels over the last 16 years.

Hon. Mr. Forbes: — Appreciate the question because what I . . . and I've talked about this in speeches actually, the impact in terms of the time loss, the injury rates, that type of things when people are injured and aren't at work. So we feel that there's some common ground or issues that are connected here.

While The Occupational Health and Safety Regulations don't actually speak to staffing levels, as you are alluding to, we recognize if the regulations aren't followed, particularly the lifting, and that's one of the ones that we're very concerned . . . which leads then to time off or employees not in the workplace. Then there's all sorts of complicating factors that are real and very much part of the situation that leads to these high injury rates in the health workplace.

Mr. McMorris: — I just want to read a portion here. It talks about reducing injuries in the health care sector. It says:

The health care sector [has] had the highest number of injuries in Saskatchewan in 2005. According to Workers' Compensation Board data, this sector had 2,468 time loss injuries . . . [it goes on to explain what that is] with a direct cost of \$14.4 million for compensation, medical, and rehabilitation costs to . . . [employees].

That has nothing, that says nothing to do with to do with the vacancy that causes in the health care facilities because those people are off work. It has nothing to do with the amount of overtime. It states nothing to do with the amount of overtime that is needed to fill those positions. It says:

Many of these claims were related to the strains of moving or lifting patients. In fact . . . [64] per cent of all health care sector claims that year were caused [because of] bodily reaction and exertion, with the most common type of claim being a back injury.

You know it's a huge, huge drain on the health care system. I mean if we know that it's \$14.4 million just for WCB costs and then that . . . of course I don't expect the department to know what it costs the Department of Health, but it would cost the Department of Health a huge amount of money, as much, if not more.

And I didn't really get from the minister's answer . . . because I would say again that the majority of lifting injuries and exertions, over exertions are due to a lack of staffing. So I'm surprised. And I didn't hear that in the minister's answer. Will the department be looking at mandatory regulatory staffing levels in order to produce a safe workplace?

Hon. Mr. Forbes: — What we've done with the regulations is set priorities. What we've done is set priorities where we can see that we can have a direct impact on the injuries. And that's why this regulation on lifting has a direct impact on the injuries that you've described. So while we may debate the staffing levels, and we recognize . . . And this is why this is a priority. And it's quite right this is a huge issue. But we need to get to the crux of the matter which we believe that we've identified in the regulations as priorities that we need to get to right away, and so that's why we've identified that. We've gone through a priority setting process. We see that this will have the biggest impact right away.

Mr. McMorris: — I was interested, I heard a comment come from the other side that maybe I should suggest levels. Well we've been suggesting levels for 10 years as long as I've been in this House, that the staffing levels in health care are insufficient. And we've been citing the increase in workers' compensation claims as a direct result. The government has done nothing about it. This is an opportunity under this government that has caused the staffing levels to drop so significantly in the last number of years. The numbers spell it out.

When you talk to health care workers, over and over again, if they don't stay or choose not to stay in Saskatchewan, often it's because of the workplace and the issues around the workplace.

And the major portion of that is staffing levels, shortage of staffing levels. I'll be very interested to see . . . and maybe the department doesn't want to come out and say how many should be working on each ward. I can understand that, but maybe I'd be very interested to find out after the consultation if that isn't a major concern at least from the employee level that the staffing level is what's causing the issues around occupational health and safety.

Hon. Mr. Forbes: — Now I have to be clear on where this regulation, this recommendation, came from too. It came from the Occupational Health and Safety Council which is made up of equal members of labour and of business who — now I believe in this case — had, in this particular area, had a technical group, subgroup, a task team to talk about this. So this was one area where they set as having a huge impact.

Now what we've done as a government though is set priorities to say so which ones can have the biggest ones, biggest impact. And so this isn't just us deciding this all by ourselves. This had, this went through a process that involved the folks on the ground in this area and so we think this is, this is the right direction.

Mr. McMorris: — Could I ask then, what are the guidelines then around, for example in health facilities, around lifting? I noticed somewhere in here that there was talk on lifting apparatuses and required prevention and maintenance of lifting equipment. What are the guidelines set out? I guess is it by the department, as to what is needed in health care facilities around the province in order to prevent that, whether it's lifting equipment or what have you?

Hon. Mr. Forbes: — I'll ask Glennis to give us a preliminary overview of that.

Ms. Bihun: — The regulations themselves speak to the need for employers to have a lifting program. That program is going to have many components. One of the components that will come with that program includes things like assessing the patient, having training for how to use the equipment that needs to be used to move a patient based on the type of assistance that they've been assessed to require. As in throughout the regulations, the specifics of which equipment needs to be required are not prescribed in the regulations. The regulations speak to the need to have the program — training of workers, implementation of the program, those types of things.

Mr. McMorris: — Okay, so yes that makes sense is that the regulation calls for a program to be offered. Then who determines what's in the program? How is that determined — what the content of the program, the courses are? And I mean it certainly makes sense if they're using apparatuses, they're going to be trained on the apparatus. But lifting programs where the health care professional has to roll a patient, who sets the content of those programs?

Ms. Bihun: — Generally that program development is done by the industry itself.

Mr. McMorris: — So the department states that a program needs to be implemented through a facility but does not then look at what the program contains.

Ms. Bihun: — As part of its on-site work, it would still be considering whether the program meets the specific requirements — the needs for patient assessment, the needs for provision of equipment, the needs for worker training.

Mr. McMorris: — And the department would set out what needs to be in the program. Am I getting that correct? The department is setting out . . . First of all it sets out that there needs to be a program. It also sets out what the program has to contain.

Ms. Bihun: — Yes, that's correct.

Mr. McMorris: — And maybe this is getting too in depth to start asking, then what does the program contain because I start thinking then okay, if you're going to implement a program that has to be taken by all the health care professionals, what does it say about having to perform a procedure when you don't feel that you have the correct number of people around? What's the process then for an employee? They've taken the program. The program says in order to do that you need a couple of assistants to change bedding or whatever for a patient, but there aren't a couple of assistants around. Then what is the process or procedure for an employee?

Ms. Bihun: — Because the regulations prescribe what needs to be in the program and part of the program includes provision of equipment, if there would be a scenario where equipment wasn't available, that would be area that an officer during an inspection may review for compliance purposes. It's very hard to be definitive without case-by-case specifics. But certainly, although the regulations do not and cannot speak to staffing levels, they certainly do indicate the situations where if a program requires this, a certain type of equipment to be used when a patient has been assessed in such a fashion, that the equipment would need to be available.

Mr. McMorris: — I certainly understand that, I mean the regulations, and will say that there needs to be lift equipment and the programs that are offered will train a person on properly how to man that, to work that equipment. But there are many examples where, you know, there are procedures done in health care facilities that the lifting apparatus may not be there, would not be there, is not required to be there. But I would think in a course they would say to the health care professional, if you're going to do this procedure you will need assistance. You will need another person.

Not using a lift apparatus . . . and I mean, this is a hypothetical. But I'm just trying to . . . Talking to health care professionals that have experienced it, you know they're put in this position, and there isn't extra help around to do the procedure even though they've taken the training. They know that what should be done, but there aren't people around. What should they do, I guess?

Ms. Bihun: — You're certainly right. I've used the word equipment only, but certainly as part of an assessment, the assessment may include equipment and for the move or transfer to be done by more than one worker. So yes, you're right in that regard.

Again one of the reasons I believe that council put forward this

recommendation in the first place was a recognition that there would be benefits for further clarification. That both the equipment and resources would need to be available when the assessment indicated a need for those resources.

Mr. McMorris: — I guess my question may be along a little different line then. And regardless of what is put forward in the course or anything else, what is the procedure for a health care professional if they're put in a position that they have to move a patient and they don't feel it's safe, that they feel that it will be harmful to their health? They realize it needs to be done but there's nobody else there and they don't feel comfortable. What is the procedure for that employee?

Ms. Bihun: — Regardless of where the employee works, the procedure for all employees in those scenarios would be the same. We encourage all workers to raise their health and safety concerns with their supervisor first. If they are not satisfied that the concern has been resolved, then the concern, where there is an occupational health committee, should be raised with the Co-Chairs, then further discussed with the occupational health committee. And if there still isn't a resolution to their satisfaction, then it should be raised with an occupational health officer at the OH&S division.

Mr. McMorris: — Okay. Yes, so there's definitely a procedure and a protocol for an employee to go through if they're . . . felt that they're put in a compromising position as far as possibility of an injury. Certainly I've heard more and more — and some of it has just been through the general media — of situations where patients haven't received maybe the best care because the, you know, the nurse on staff or the LPN [licensed practical nurse] wasn't able to perform the procedure they needed to perform because they didn't want to put themselves into that position of exposing themselves to a back injury.

As a consequence they go through that procedure; yes, you can go through that procedure. It doesn't very well help the patient at that time because I mean there's just not enough staffing in some situations that will allow for the patient to be looked after accordingly.

I think that probably covers most of the questions that I have. I'll be very interested to find out in . . . I guess it closes on Friday. What is the procedure then after the consultation process is done with employees and employers in this consultation process regarding changes to the regulations and especially, in particular, for the health care sector? What's the process after Friday? When will we be starting to see some of the results of this work?

Hon. Mr. Forbes: — Well we'll have to take a look at the comments we have in. These are regulations, though, not legislative amendments, so they can be dealt with relatively quickly and we have a bit of a timeline that we do want to see these move relatively quickly. But when cabinet meets we can move them forward. And the key point is that we're not waiting for one big package. There are some points that we have to go through within government in terms of some of the costing and stuff. But it is to move relatively expeditiously on this.

Mr. McMorris: — So after Friday when the consultation process is done and you'll start working through it — and I

realize it's not necessarily legislative changes; it can be done through regulations which can be done internally — what will be made public? Will we as an opposition be able to hear the concerns that were raised through this consultation process, both from employers and employees?

Hon. Mr. Forbes: — In this process that we've got consultation we haven't, we're not proceeding in a way of legislative changes. And this consultation too is sort of like a final check because there has been, the council has done an awful lot of good work so we're not starting from scratch here. It's just that because of the length of time and you want to be as current as you can right away, so it is a final check. We're not anticipating in terms of making a report on that. We just are taking a look at input on specific wording around the regulations so . . . Do you have a further question?

Mr. McMorris: — Yes, I do. So I just gathered from that that we've gone through consultation here for the last probably two and half months, two months I guess — February, March, and April; so, yes two months, two and a half months — and this consultation, the department has received input from health care employees and employers. And you say it's kind of a final tuning, but nobody else other than the department will be made aware of what comments were made from both sides?

In other words, you're not doing a final report, but you're not going to release any of the comments as well as to whether people, employees and employers, feel that the process has worked; where we're at right now with occupational health standards, regulations in the province . . . [inaudible] . . . you're not going to release any of those findings?

Hon. Mr. Forbes: — You know, because of the nature of how we started this process with the council and the way it's made up with labour and with business and the task teams, that at this point really we haven't, we are just wanting to make sure the recommendations are appropriate. So we aren't seeing it as a necessary step to put together yet another report.

The letters are coming in. We've got survey style; some are choosing to do that, some are not. And we're not disqualifying anybody from how the comments are made. We're just taking the information in. So at this point the key is to get the regulations done and so that's our plan to go forward.

Mr. McMorris: — Yes. I guess just . . . And final question is that, you know, it would really be beneficial . . . I would think that no doubt comments are coming in and I would assume that many of the comments that are coming in from the employees are around a number of employees in the workplace and that's causing issue. That's what we're hearing anecdotally all the time. I'd be very interested to hear if that's not what the council hears after these consultations.

But I guess from what you've said, there will be no way any of those comments will be released so that we'll know whether what we're hearing anecdotally are also reflected in the comments that you'll be receiving through the department.

Hon. Mr. Forbes: — Yes. You know, the point . . . And we're not asking anybody to not let others know what they've said to us. It's not necessarily in confidence. If they wanted to, they

could. But to go through the whole process yet of refining that, our plan is just to take the information.

The Chair: — Thank you very much for your comments. I will now recognize Mr. Hart.

Mr. Hart: — Thank you, Mr. Chair. Minister, I have some follow-up questions to my colleague's, but dealing with a slightly different area. But it is dealing with the review and consultation process that you put in place.

The area that I would like to discuss this afternoon deals with proposed changes to section 489 which impacts with the way firefighters will operate on the scene of a fire. I wonder if you could just briefly explain the proposed change and how it will affect fire departments.

Hon. Mr. Forbes: — Well thank you for the question around firefighters. And we know firefighters perform a very important service in our communities. And we've seen heroic actions on firefighters, and we've seen tragedies such as we've seen in Winnipeg this past winter.

The one specific that you talk about talks about firefighters entering burning buildings, I believe. What we want to do is ensure that there's the utmost of safety taking place. The regulations don't specifically require general staffing levels for fire departments, and that's very important. What they do though is require that fire departments take reasonable precautions to protect the health and safety of their employees in the work that they do, because the flexibility is very important because of the different type of communities we have and the work that may happen.

So what happens is, where firefighters enter a burning structure, regulations require that they work in teams and that a rescue team is readily available outside the structure. And this is important so that there is backup for firefighters inside the building in case something should go wrong. And quite often we've heard it referred to as the two in and two out. And the issue really is, can the pump operator be considered part of the team outside, the two outside, and what that may entail in terms of costs.

The issue is a complex one and again we've asked for feedback on that. It is mixed. We know that there are concerns about that and so we're listening very carefully to that. But I do want to reiterate, our focus is not on the general staffing levels but it's on the safety of the work that they're required or expected to do.

Mr. Hart: — So just for clarification, Minister. Currently regulations mandate that when firefighters enter a burning structure, they are to do it in teams of two people going in and two people are on the outside. And this applies to all fire departments, whether they be paid staff or volunteer staff? There's no differentiation? Or is there?

Hon. Mr. Forbes: — It applies to volunteer departments as well.

Mr. Hart: — Okay. And so now the proposal is that an additional firefighter be on the outside — that the pump

operator is not considered one of the two standby people — so in effect we're going from a team of four to a team of five. Is that what the new regulations are proposing?

Mr. Forbes: — I'll ask Glennis to take that.

Ms. Bihun: — In some cases it would be a change. We are aware of some departments where their policy already includes not to count the pump operator as being a member of the rescue team. So in those cases there would not be a change. They already have a five-person system.

Mr. Hart: — But the change would be that now, if there's a change to the regulation, all fire departments would be required to have five people on the team.

Ms. Bihun: — Yes.

Mr. Hart: — Yes. Okay. Now in a number of our smaller urban centres, a lot of our rural communities operate on volunteer fire departments, volunteers acting as firefighters, and, you know, I can see where they could be certainly affected by this because sometimes it depends on how many people can show up to a fire and so on. But I think there is some concerns — and I'm guessing you probably heard them in your consultation process — on some of the smaller fire departments where staffing is a real problem and they may not have that additional person to put on the team.

What are they to do then if these changes are brought into effect? How would the smaller departments that only currently can manage to get four people on a team or on the scene of a fire, and it's required that they have some of their personnel enter a structure, what do they do? How will they be handling that? And what type of responses, in your consultation, did you get from some of the smaller communities that I'm sure raised this concern with you?

Hon. Mr. Forbes: — This is an issue. And it is one that as we've seen in circumstances, whether it's in Yellowknife or Winnipeg, where you have the dilemma — and sometimes it's a moral or ethical dilemma — to enter a burning building and do you have the backup to do that? The role of our department is to make sure it's safe. So the decision has to be, do you wait until the fifth person arrives? Because you need to make sure that you have proper, safe protocol. So this is the issue in whether it's three or four or five or six. When do you enter a burning building?

And that is the point before us. And the regulation that we have before us is that it's best to make sure you have a complete team in place before you enter a burning building. You can fight the fire from outside. You can do many things, but you need to make sure . . . And as we have come to appreciate that firefighting is, well, clearly risky — and in many ways more than we knew 20, 30, 40 years ago because of the new substances that are within the smoke — that type of thing that we're determining. So our role is to make sure that firefighters are safe and that the processes they use . . .

So I appreciate the question because it is difficult for volunteer departments to have enough volunteers. And it is one that the communities continually wrestle with in terms of safe

communities. Do they have enough police; do they have enough firefighters?

Mr. Hart: — Thank you, Minister. The management in communities — the councils and so on — are certainly wrestling with this question I would well imagine. They certainly don't want to endanger anyone's life and they want to provide as safe a conditions as possible in the fire. However, they also have limited dollars and so they are struggling with this.

And I guess, I know that some of the questions that they are asking is, what is prompting these changes? Have we had incidents within our province that, you know, in recent times here that have prompted these changes? Where's the pressure coming from for this change? I wonder if you could comment and respond to those questions that we've been hearing from municipalities.

Hon. Mr. Forbes: — Well I could comment on . . . I've heard anecdotal stories and firefighters have raised this. They've raised it on the concerns of, you know — and for them it's a bit of an ethical question — they know they've been trained as professional firefighters to do the utmost they can, and so they have that dilemma. And yet there is the expectation that they do the best they can and we, you know, we do that in our communities. Firefighters are held up to high regard. There's a lot of pressure to deliver. And then the challenge comes — should I stand by and let a burning building burn when I know what the right thing might be to do? So there is a challenge.

But I would say that it's interesting, because we see just prior we had the questions around health care and staffing around the issues, making sure there's proper staffing for health care. And we can see the injuries in health care around back injuries and your colleague was raising that point. And yet when it comes to firefighters we see the issue of staffing again. So we have to make sure people have safe workplaces because of the expectation, whether it's health care or fighting fires, that they can do their jobs safely.

Mr. Hart: — Minister, how long have the current regulations been in effect?

Hon. Mr. Forbes: — I can't give you a definitive answer on that. I can get that answer to you but I would think that it was '96 since the last major change in these regulations.

Mr. Hart: — No, an approximation is fine. If it's around 10, 15 years that's quite fine. I'm not that precise. I guess my follow-up question to that would be then in those . . . Let's say if it has been since '96, have we had serious incidents where we have had some narrow escapes? And if so, how many of those have been . . . is your department aware of?

The reason I ask the question is that I just would like to get a sense of what has happened in the past. I certainly don't want to leave the impression that I would be opposed to creating safe workplaces for our firefighters. But you know, I would like to just understand, you know, some of the history and so we can appreciate the need for some of the changes.

Hon. Mr. Forbes: — Well as I said there's been some

anecdotal stories that have been shared and people who've been in volunteer fire departments and, you know, who feel very . . . When you're inside a burning building and it's dark and full of smoke, and you're counting on the two people outside to be there or if they have to come in, that there's some backup even for them. And you don't want to be left at risk. But I would say that where this standard comes from is the National Fire Protection Association, the NFPA, and they're headquartered in the States, in Massachusetts.

Technical committee has developed these standards and they're meant to be appropriate for voluntary or mandatory compliance to apply to all fire service, whether that's a career or volunteer or mixed.

And so they have within that, those teams, representation from fire departments, firefighters, consultants, governments, suppliers of fire equipment and apparatus, and insurance companies. So this standard with the impact on this issue provides for a minimum of four — and that's four on duty, two in, two out, unless there is tactical hazards — high hazard occupancies and so on.

And some of the communities by firefighters are considered to be high hazard. I can't tell you the characteristics of what makes a community higher hazard than others. And I would prefer to get that more specific because clearly these are standards that have huge impact both in terms of safety and cost. So firefighters in this province believe that there is a need for this regulation so . . .

Mr. Hart: — Well, Minister, I can certainly appreciate that this is certainly a difficult . . . you know, an area where there isn't a clear answer. And as I said earlier, we certainly don't want to be compromising safety. And I guess I have found that in the past when we're faced with some of these difficult decisions, it's helpful to look around and see what's happening in other jurisdictions.

And I wonder if you could perhaps tell me what the standards are in some of the other provinces, particularly our neighbouring provinces where perhaps our conditions would be, you know, very similar. I'm thinking of Manitoba, Alberta, Ontario, and part of BC [British Columbia] I suppose, you know, where I would think that they have winter and so do we and, you know, and all those sorts of things. Do you have that information? Could you give us a sense of what other jurisdictions are doing?

Hon. Mr. Forbes: — Well as you know Saskatchewan is a leader in many ways in terms of occupational health and safety, particularly when it comes to firefighting, recognizing some of the cancers that have been caused by fighting fires. And so we've been a real leader in that area. I would say that the comparison across Canada, British Columbia is the only other jurisdiction that addresses the specific work procedure of entering a burning building. New Brunswick, Nova Scotia, Ontario only addresses equipment and personal protective equipment required. And Alberta, Manitoba, Newfoundland, Quebec do not address firefighting issues.

So you can see that it's hard to believe that some provinces don't even address firefighting. And so we have some good

work that we've done here. I would also add, this was a unanimous decision or recommendation from the Occupational Health and Safety Council.

Mr. Hart: — So just to review what you just . . . British Columbia currently has regulations that would reflect changes here in Saskatchewan. In other words, they are mandating a five-person team. Is that what you said?

Hon. Mr. Forbes: — We don't know that right now. My briefing note does not have that information. And I will get that information for you.

Mr. Hart: — Okay. But some of the other provinces, they don't have any regulations in this area?

Hon. Mr. Forbes: — Not at all. We have four provinces that do not address firefighting procedures at all.

Mr. Hart: — Okay. Okay. Well at least that gives us something to compare and see how we stack up.

As I mentioned earlier, if these changes are going ahead, it would certainly create some financial difficulties I think for certain fire departments of having an extra person there and so on, which councils have to deal with. That's the reality of the world we live in. There's a cost to everything. And I know that any of the councils that I've spoken to, they certainly don't want to endanger people's lives no matter whether it's firefighters or motorists with unsafe driving conditions and so on. But there is a cost and there's only so many dollars.

First of all I guess I should ask, will this regulation change be moving forward? Have you made a decision on this? Because you indicated earlier that regulation changes can happen without legislative changes. And it can happen very quickly. So what is the status on this particular regulation change?

Hon. Mr. Forbes: — Well there has been no decision made. Obviously there was a recommendation made. We're going to take a look at the feedback that we've got. The consultation period ended the end of March. And so I'm looking forward to seeing the concerns that have been raised, and then we'll take it from there.

Obviously I know that there are some communities that are watching this very closely, and the firefighters are watching this very closely as well. They see this as an important, important protection. So we'll proceed from here.

Mr. Hart: — Stay tuned?

Hon. Mr. Forbes: — Stay tuned.

Mr. Hart: — You mentioned the consultation procedure, and that just prompted another question: did you consult with communities with volunteer firefighters?

Hon. Mr. Forbes: — Okay. Well I'll give you a list of who we consulted with: the cities of Moose Jaw, Prince Albert, Regina, Saskatoon, Swift Current, Weyburn, and Yorkton; fire departments in the cities of Regina, Yorkton, and the towns of Regina Beach and Nipawin; and the Office of the Fire

Commissioner and the Saskatchewan Professional Fire Fighters Association. And we did receive a submission from the volunteer firefighter association.

Mr. Hart: — Of those communities that you had direct consultation with, how many of those communities would have volunteer firefighters?

Hon. Mr. Forbes: — We'll get back to you on the specifics on which, but we know the fire departments in Moose Jaw, Prince Albert, Regina, and Saskatoon are completely professional. I'm not sure of the mixture in Swift Current, Weyburn, and Yorkton — what their make-up is. We did also — Bill just pointed out — we've been talking with SARM [Saskatchewan Association of Rural Municipalities] and SUMA [Saskatchewan Urban Municipalities Association] as well as umbrella organizations for these groups, for the communities.

Mr. Hart: — What you didn't do though was you didn't contact or ask for recommendations from smaller communities like Melville and Melfort and Kindersley and those sorts of communities which are somewhat larger than the, you know, the 5-to-700 population towns and so on. And I guess my question is, why wouldn't he have consulted with some of those communities of that size?

Hon. Mr. Forbes: — Well as I said, we did consult with the towns of Regina Beach and Nipawin. And over the two years that the council did their work, and there was a task team involved with that on this specific issue, that we involved a whole range of communities, a whole range of organizations, so I'm hoping their voice did come out. I can't say that the towns group, but I would hope SUMA would make sure that they brought that voice forward, so.

Mr. Hart: — I guess it's rather curious — I can see you consulting with the larger cities, and I think you covered most of them or a good number of them. But it's rather curious that you would consult with Regina Beach and Nipawin. How did you select those two communities? Did you put all the names in a hat and draw them out, or? It's just I don't see any rationale between selecting the two. Not that I have anything against either of those two communities, I've been in both of them. They're wonderful communities. But it just seems rather strange that those two would be consulted and no one else was.

Hon. Mr. Forbes: — Well what happens in the process is that when we consulted, we sent out notices asking for feedback and of course some obviously with the staff that they have can make communications back. I would anticipate that Regina Beach and Nipawin would be doing that kind of thing. And other communities felt maybe they would be represented through SUMA or the volunteer fire department association, so I can't explain why two and not others but . . .

Mr. Hart: — Okay, so you did send out request for information to more communities, and it was based on the responses you got back.

Hon. Mr. Forbes: — Right and we also did a press release and some information that went out and some groups would be watching for it. And Glennis informs me that it was sent to all workplaces that had an occupational health and safety

committee so . . .

Mr. Hart: — Well that answers my question. Apparently these two communities took the initiative to put forward their recommendations and good for them. And so yes, it's not quite as strange as I initially thought it was.

Just a further follow-up to this whole issue is your government levies a 1 per cent fire protection tax that the budget document that I'm looking at is forecast to raise about \$3.4 million. Now I know this is probably a better question for the Minister of Finance or perhaps the Minister of Government Relations, but some of the decisions that you will make, Minister, will impact on municipalities in a financial way.

And I guess the question is if you're going to, you know, download more responsibilities or ask municipalities to do more, they would also like to know whether they will be receiving more, and some of them have identified this particular fund. Would you care to comment on, if you should decide to go ahead with the proposed change in regulations, will you also be making recommendations to the appropriate ministers to provide more funding to the municipalities?

Hon. Mr. Forbes: — If I understand this correctly . . . and I think that the point you're making is you're linking one, and we don't receive any funds from this. And I am familiar with this. I think it was raised at the SUMA convention, and of course it probably would be more appropriate with the Minister of Finance and Government Relations as we take a look at different costs.

But you know, I want to make two observations. It's not a downloading of services. Our job is to make sure workplaces are safe, and that's within our own government, with anybody who works in a workplace in Saskatchewan that . . . So we've come a long way, but yet we have a lot more to do and, as your colleague pointed rightly out, that we have some work to do in health care. We have some work to do in other areas in terms of injury rates in this province. So there are costs involved in that, and of course we are trying to make sure that, as always, that funding is as fair as possible.

And it has been . . . There are some challenges we often see, and so I will raise that. But I need to let you know that we view our work here as . . . The priority is safety and making sure that, while it's reasonable and fair, that no one's put at risk.

Mr. Hart: — Well just one final question, Minister, on this particular issue, and then I think we'll move on to another one. You'd mentioned earlier that you're looking at the responses that you got from your consultation process and you're reviewing the input that you've received. I guess the question that everyone that is watching and interested in this issue — this is a very important issue — the question I guess that they would have is, when can we reasonably expect a decision on this particular issue?

Hon. Mr. Forbes: — You're asking the firefighters?

Mr. Hart: — Yes.

Hon. Mr. Forbes: — Okay. Well we have to . . . Again we

haven't made a commitment in terms of the deadline for that because we didn't know what kind of feedback we would be getting, and so we'll make sure we take a good look at that. But clearly we want to move relatively quickly on this. You could tell by the fact that the press release that announced this was early February; we closed the window for feedback the end of March. So we're putting that through. So I think that we will be moving relatively quickly on this.

And the other point about this too is to make sure that people understand that, when we're dealing with occupational health and safety regulations, they're never completely done forever because things do change. We have more information. We learn more about how we can have safe workplaces. So I have come to appreciate that occupational health and safety is always ongoing as we discover new areas that we can do better in. But it'll be quickly.

Mr. Hart: — Well thank you for that, Minister. The next issue that I would like to raise with you is one that is also an important issue. It's dealing with the report that was done by your colleague, the member from Regina Northeast, dealing with the northern overtime exemption. I'm looking at a news release dated February 20 where the Premier said that he'd received the report from the member from Regina Northeast, Mr. Harper, and he would be looking at the report. There was, I believe, five recommendations contained in the report and yet to date, we haven't heard anything on this report.

We are getting some inquiries in our office from business people in the North who are asking what is happening here. We are hiring people for the upcoming season whether it be in the outfitting industry or other industries, and they really don't know whether they will be affected by changes, if changes in fact are coming. There's a whole bunch of uncertainty, and they're just basically saying what's going on, what's happening. And so I'm presenting their questions to you, Minister.

Hon. Mr. Forbes: — Yes. No. It's a fair question. And of course, the member from northeast did a great job in discovering a lot of the issues that deal with labour standards in the North. And of course, as you would know and we talked about this last time, funding for an office and an officer in the North about labour standards in general and to do some work around the education of standards and what that means in the workplace. So we will be moving on that. Some of the recommendations are operational in terms of that particular one — setting up the office, that type of thing. Some deal with regulation.

And so I think you'll hear fairly shortly about the response in terms of what our plans are. I can't say right now because we have not made a decision, but we are wanting to do that fairly quickly because of the questions that you raise in terms of planning. People need to plan ahead, and we're very cognizant of that.

So again that's a case of staying tuned for that because it is an important one because we know those regulations have been in place — the exemption has been in place — for many decades. This will be one that will take some time to . . . as we do an educational and compliance approach because as the member from northeast discovered, the North is changing and the role of

labour standards. And we need to have a presence in the North not only for overtime but just the general rules that we take for granted in the South.

Mr. Hart: — Well, Minister, as you indicated, we had talked about labour standards officer in La Ronge and those sorts of things. And those are changes that the average person in the North wouldn't be affected by or, perhaps a better way of stating it, would notice those type of changes. But the changes that are proposed and the uncertainty that's out there are affecting quite a number of people, business people, also employees. You know certainly employees would like to know what their rights are and, you know, whether they're going to be paid overtime and those sorts of things.

And in the page 2 of the executive summary, I might just quote the one sentence that is in the report: "The strong views voiced at the town hall meetings reflect the passionate belief of many that the exemption is a wrong [and] that the Premier should make right immediately so that northern people are treated — and paid — the same way." I think that pretty well sums up some pretty strong feelings of people that reside in that area of the province.

The one area that I suppose I've heard most recently from, as far as the business sectors in the North, is the outfitters. And there was, in the report there's one recommendation, and it's recommendation 4 which the report recommends, "Grant a province-wide regulatory exemption to sections 6 and 12 of The Labour Standards Act." Now I wonder if you could just expand on that and explain. Is this recommendation a change from the current situation? And if so, what is the change? We're talking about exemptions, so I think we need to discuss that. What does that particular recommendation mean?

Hon. Mr. Forbes: — I'll ask Eric to give a more definitive answer. He's the executive director of labour standards and has been working on this specifically. But again we have not made any decisions, so we're talking about potential here. So I'll let Eric answer.

Mr. Greene: — Section 6 and 12 of the Act talks about the overtime provisions. Six has to do with the payment of time and a half after working normally 40 hours a week or eight hours a day. Section 12 is the right to refuse to work after 44 hours in a week. They're two separate sections of the Act . . . 6, the right to overtime after a certain threshold and the right to refuse additional work after 44. The employee can work; they have the right to refuse.

Mr. Hart: — So then if we take this and look at the recommendation, the recommendation 4 in the report says, grant a province-wide regulatory exemption to outfitters. So then that means that . . . my interpretation of that means that or would lead me to believe then that outfitters do not have to pay overtime according to section 6, and that they can ask their employees to work more than 44 hours in a week because of the seasonal nature of their industry. Would that be a fair interpretation of this particular, of this recommendation?

Mr. Greene: — What that recommendation would mean is that the outfitters in the North would continue not to have to pay overtime, and the employees would not have the right to refuse.

That would be extended south of 62 so that all outfitters across Saskatchewan would be treated equally.

The regulation, if the exemption stays for the outfitters, would mean that employees of outfitters right across Saskatchewan would not be entitled to overtime by regulation or they would not have the right to refuse additional work after 44.

Mr. Hart: — Thank you. So then if we're talking for that area in northern Saskatchewan where currently overtime is exempted, if this recommendation goes forward, nothing changes for them. Would that be a fair assumption to make?

Mr. Greene: — That would be correct. Nothing would change for them.

Mr. Hart: — Now but from your comments then, it seems to me that there would be changes though for outfitters in the southern part of the province. Are they currently required to pay overtime? And do these two sections apply to outfitters in the southern part of the province under current regulations?

Mr. Greene: — Currently the exemption only applies to those employers north of 62. So if there was an employer south of 62, the regular rules would apply.

Mr. Hart: — Okay, good. Well thank you for that. The recommendations, so then I guess what . . . From our discussions here, if the report is accepted and nothing changes then for the outfitters in the North and they can conduct their business as they have in the past. And I'm sure that part of it they will at least have some certainty there and that will answer some of those questions that we've been getting.

Recommendation no. 3. This says, "Treat fishers and trappers as primary producers (traditional family farm) under *The Labour Standards Act*." I wonder if you could just explain a bit. Is that referring to exactly the same thing as the issues we just discussed, the same two sections?

Hon. Mr. Forbes: — Are you referring to the fact that hunters and fishers in the North versus the South or . . .

Mr. Hart: — Well I'm just looking at the executive summary of the report under recommendation say, 3. I'll quote it, "Treat fishers and trappers as primary producers, [and then in brackets] (traditional family farm) under *The Labour Standards Act*."

Hon. Mr. Forbes: — I'll get Eric to give the specifics on this.

Mr. Greene: — Currently the employees of the family farm are exempted entirely from The Labour Standards Act. If this recommendation is adopted it would also mean that employees of fishers and trappers would be treated in the same fashion. That's the recommendation. Whether it's accepted or amended or . . .

Mr. Hart: — Good. No I wasn't quite sure and I'd thought I'd just get your clarification on that. So just to . . .

Hon. Mr. Forbes: — I would say in . . . And that would be anywhere in the province. I think the intention that the member from Regina Northeast is trying to get away from was

geographic discrimination as opposed to being more sector or occupational basis for decisions.

Mr. Hart: — Well, Minister, I just . . . having read some of the recommendations just recently here, I think if that was the intent of it I think it's certainly an approach that is the direction we need to look at instead of making decisions or having a special set of regulations for the North versus the South. Let's look at the sectors and see. Sectors will differ, but for a location doesn't necessary mean that we should have different regulations.

And as you said earlier, there are a lot of things happening in the North. I had the opportunity to visit at least a small portion of the North last summer and it was truly very interesting and exciting to see what's happening there. Just as a side comment, all-weather roads, all-seasons road to Stony Rapids from Points North would be a huge benefit to that whole Athabasca Basin. And I will just add my voice of support for that.

So you had said that a decision will be made on this report fairly soon. Could you define soon? Just so we perhaps have a bit more clarity as to when some of these, a final decision will be made on this report?

Hon. Mr. Forbes: — No. I'll just have to stick with the word soon. It's one that we want to move on quickly. And I know that with the work done by the report and that, that we are getting very close to a decision on that.

Mr. Hart: — Just a follow-up question to that. In the decision-making process in your government, is this report and this decision sitting on the Premier's desk or your desk, Minister?

Hon. Mr. Forbes: — No. I'll just say soon.

The Chair: — Are you done, Mr. Hart? Have you concluded your questions? I'll now recognize the member from Thunder Creek.

Mr. Stewart: — Thank you, Mr. Chair. To the minister, I'm concerned about this firefighting, the firefighting regulations that we're talking about here, and very afraid for rural Saskatchewan if that sort of thing is enacted. Do you have any idea what legislation or regulations like that would do to fire insurance costs all throughout rural Saskatchewan? Has that ever entered your mind in these deliberations?

Hon. Mr. Forbes: — I think that it's critical to make sure and understand that what we're talking about here is we're not talking about setting general staffing levels requirement for fire departments. What we're talking about, when you enter a burning building, how to do it safely. And that's the crux of the issue. So how do you do that safely?

And so the question then becomes a balance that communities have to make a decision about if they are requiring their firefighters to enter burning buildings, if they require them to do that, what are they prepared to do in terms of making sure that they do it safely? And this speaks to that.

And so while we recognize that there are costs — and we have

done some costing on this, and cost-benefit analysis — and it was a unanimous recommendation from the council that had both business and labour people on it that people do recognize fighting fires does imply a cost. Saving lives imply a cost. Losing a life is a huge cost. And that's what you're balancing out.

And as I said earlier, today we had questions about staffing levels in health care, and now we're talking about staffing levels in firefighting. And we know the role that firefighters play in protecting property and lives in this province. And so we do respect the cost. We have done costing. But the issue really is how to enter, safely, burning buildings.

Mr. Stewart: — Thank you. You miss the point though. I'm not concerned about the costs of firefighting. What I'm concerned about is the loss in property and potentially human life if firefighters are not allowed to enter burning buildings except under the most ideal of conditions. It's not about cost in volunteer fire departments, sir. It's about saving resources and saving people's lives.

Have you not considered that at all in your deliberations so far? I recognize from the answers you've already given that you haven't even consulted with those communities that have volunteer fire departments. But surely it has crossed your mind.

Hon. Mr. Forbes: — I would disagree. In fact I've said that we've talked with the Saskatchewan Volunteer Fire Fighters Association. I'll repeat that. We have heard from the Saskatchewan Volunteer Fire Fighters Association.

And to imply that we have a choice of when fires are, whether they're ideal or not, and to imply that . . . You know, I'm not sure where the member was going with this in terms of whether one life was worth more than others. When it's a property, that's one issue. But to save lives — to save lives of firefighters, to save lives of people inside the building — you have to do it properly. You do have to do it properly. And I don't think anybody here is saying to do it wrong, but there is a cost.

Mr. Stewart: — Once again cost is not the issue. That's not what I'm talking about. I'm talking about saving property and human life. Is it really your view that it's better for a child to burn to death in a house fire than for well-trained and -equipped firefighters to enter even under less than ideal circumstances? Is that what you think?

Hon. Mr. Forbes: — So did I hear the member say cost is not an issue?

Mr. Stewart: — Yes. I'm talking about volunteer fire departments where cost is not an issue. Getting people on the site is the only issue.

Hon. Mr. Forbes: — Okay. Well I just want to be clear on that because we are saying clearly, and I want to be clear on this that . . . and you describe a situation and a horrific situation that firefighters face. And we can be talking about it hypothetically here, but firefighters do face this situation. You do realize situations, i.e., Winnipeg, i.e., Yellowknife. You can talk about this across Canada where they do have to make difficult

decisions.

And they are just saying, please consider a safe occupational health and safety regulation to make sure that we can do this safely for everyone involved, including the person inside the building and the people conducting the rescue. And if you plan it well, you can do it. But if you don't plan it well, you could have dire results.

Mr. Stewart: — You know, that's why firefighters are respected as heroes because they're willing to do heroic things under very adverse circumstances. And I think, Mr. Minister, that your priorities are wrong here. I think recommendations are in order. I think that would be responsible. But to enact regulations that would more or less force firefighters to abide by this set of procedures is going to cost. It's going to cost not money, but it's going to cost human lives sooner or later.

And the firefighters will, particularly volunteer ones, they will be absolutely bound to this because there will be no compensation available to them of any kind if they don't do it your way. And so there will be lives lost in burning buildings because they don't quite have enough people on the site to do it — and I admit — properly. But sometimes they have to make do. They have to make decisions on the spot. And I don't think you've given this proper deliberation at all. I don't think you're looking at the big picture.

I know that you're doing what you think is responsible for the labour side of the equation, that is paid firefighters. I recognize that. But these communities that I'm referring to don't have paid firefighters, but they still have fires. Now what are they going to do? You can't always get the five firefighters on to the scene in time to save a life. If three show up, or four, what do they do? Are they going to stand there and listen to the cries coming out of that house or are they going to go in and save the child, in the worst possible scenario?

What this will do, you know, it'll kill volunteer fire departments. Nobody's going to put themselves in that circumstance. Those people need to be able to do what they need to do to save lives and property. And in my view this suggestion of yours falls far short of that.

And it appears that you have substantially avoided consulting with communities. I'm not talking about volunteer firefighters' associations but communities that rely on volunteer fire departments. And will you hold another round of consultations with those communities?

Hon. Mr. Forbes: — Well I just want to be very, very clear in this. This is not my way. This is a unanimous recommendation from labour and business. And if you choose to ignore that reality, you can choose to ignore that reality because I listen to what you're saying, and clearly you're either twisting what I've been saying or misleading or when I've talked about the National Fire Protection Association who talk about appropriate standards . . .

The reason firefighters are heroes is because they plan and execute their work well. Whether they're volunteers or professional firefighters, they take their work very seriously. They train and they understand the nature of fire. They do. And

they strive to have the best standards possible.

This is not my recommendation. This is the recommendation of the Occupational Health and Safety Council. Now you can create emotional and extreme situations of a child crying in a fire — firefighters deal with that reality. They deal with that reality. They just want to have support.

And they want to make sure, and they've gone through the work of planning well. They aren't heroes by accident. They're heroes because they plan well, and they do their work well. And they do it every day. Every day they do their work well.

Mr. Stewart: — Good. Then you won't mind consulting with those communities that have not been consulted with.

Hon. Mr. Forbes: — They have had an opportunity.

Mr. Stewart: — They have not. They don't even know that an opportunity existed. They do not. And you've intentionally done that. You've done that intentionally, and I'm asking you . . .

The Chair: — Can I have order please. Can I have order please. Let's, Mr. Minister, members, let's have order. Let's have respectful questions and respectful answers. We have five more minutes in this portion of the meeting prior to proceeding to the next item before us. So I'll now recognize Mr. Stewart.

Mr. Stewart: — Thank you, Mr. Chair. I'm asking the minister if he will hold another round of consultations specifically for communities that rely on volunteer fire departments, as none have been held to date.

Hon. Mr. Forbes: — Well we have held numerous consultations. We've had the opportunity out. We've listed this. SUMA, SARM have been involved and unless you're dismissing the contributions of the volunteer firefighter association, which I think is hugely disrespectful. These folks need to get on with this. We have not made a final decision and delaying it is not helpful. We've been through it for two years with the Occupational Health and Safety Council. So we have to grapple with what's in front of us.

Mr. Stewart: — You've not made a final decision?

Hon. Mr. Forbes: — No, no I have not.

Mr. Stewart: — I'm glad to hear of that. That's all I have.

The Chair: — Thank you very much, members. Seeing no further questions, we'll move on to the next item before the committee which will be consideration of Bill No. 54, The Labour Standards Amendment Act, 2007.

Bill No. 54 — The Labour Standards Amendment Act, 2007

Clause 1

The Chair: — Thank you very much, Mr. Minister. Could you please introduce your officials that will be dealing with this Bill that's now before the committee.

Hon. Mr. Forbes: — Thank you very much. Again Bill Craik, my deputy minister to my right; on my far left, Mary Ellen Wellsch, the policy and legal advice behind this — I don't have the list in front of me for official titles — and Eric Greene, the executive director of labour standards.

The Chair: — Thank you very much, Mr. Minister. Do you have any opening comments about the Bill that you'd like to make to the committee?

Hon. Mr. Forbes: — Well I'll just take a minute to just review quickly my second reading speech and where I moved the second reading of this important amendment which ensures job protection for Saskatchewan residents who volunteer for Canadian force reservists. And what this will do is to ensure there will be job security for those volunteer reservists who step up to the plate and volunteer for services. Now we're speaking to when people travel or are sent overseas to fight on behalf of fellow Canadians, so we're ensuring that their jobs are here when they come back or when they leave to respond to floods, fires, other disasters; this may be part of that. So we've done some consultations around this with businesses and with labour on this area.

We think this is an important one. This is an area we found where we had common ground, and people do support this amendment. And so with that . . . And it was a unique opportunity that we worked with the opposition in some of the consultations — I will recognize that — and we were both lobbied at the same time on this issue. And so it is a good day that we're here together talking about this in committee today.

The Chair: — Thank you very much, Mr. Minister. I'll open the floor for questions and comments and I'll start with Mr. Duncan.

Mr. Duncan: — Thank you, Mr. Chair. Good afternoon, Mr. Minister, and to your officials. I have a couple of questions and possibly my colleagues also will, but certainly supportive of this amendment. I just want to clarify something that you just made in your comments. Obviously this will protect reservists that choose to go overseas. That's what you said in your comments. But it's also for reservists that choose to serve in some sort of capacity within Canada in terms of a flood or ice storm situation. Those reservists would also be covered by this amendment?

Hon. Mr. Forbes: — This will be part of what will be covered in regulations in terms of the type of leave and the length of leave.

Mr. Duncan: — Okay. Has there been any consideration to providing any financial incentives in terms of . . . towards employers that will have to fill positions when a reservist chooses to serve in that capacity? Has there been any sort of — and I don't think the numbers are very large in terms of Saskatchewan reservists — but was there any consideration as to some incentives towards employers?

Hon. Mr. Forbes: — I know this was raised. There were several issues raised. And one of the things we wanted to make sure though was to set a priority and that was to put into place the job security piece. So in terms of the actual financial piece,

we did not explore that further just because it's setting priorities. Typically with leaves — whether they be political, maternity, that type of thing — a training component is not part of that. And so that's what our thinking was on that area.

Mr. Duncan: — Could you inform members of the committee why, at this point, the amendment doesn't include protection for post-secondary students who are reservists and maybe expand further on your comments in your second reading speech that you are currently, or will be consulting in the future, on changes that will include post-secondary students.

Hon. Mr. Forbes: — Very good point. And this was raised by the opposition. It was raised in Nova Scotia. We don't have a process in Saskatchewan where we deal with post-secondary students as a whole group. Each university or each training facility has their own facility or process of working with their students.

What we intend to do is to do some informal . . . and if needs to be more formal consultations, but first informal because we did not hear of concerns from post-secondary students even though they make up a significant number or amount. I think it's about 40 per cent of reservists. So this is an area that we need to make sure that if we can cover off, we can. But that would be outside the domain of labour.

Mr. Duncan: — Can you give any indication as to when we might be seeing some regulations, assuming — and I think it's known — that this will be moving forward?

Hon. Mr. Forbes: — Well our intention is to move quickly with the regulations because this is a prescribed Bill so that the intention is to have this passed by the end of this session, that the regulations would be in order by or done by the same time, two of the three.

You asked earlier about the types and lengths. That one may come later. The two that are really important are the ones to trigger the notice or the notice for leaving your place of work and your notice of when you're returning to work.

Mr. Duncan: — Just find my copy of the Bill, the Bill speaks to, and I guess this would be the new section 80.1, section, I guess, 5(b) talks about that an employer shall “on receiving notice pursuant to subsection (3) and completion of the leave, allow the employee to continue employment without loss of any privilege connected with seniority.”

Could you give some indication as to what your department considers to be privilege connected with seniority?

Hon. Mr. Forbes: — Eric.

Mr. Greene: — With respect to seniority, seniority is typically understood in a unionized environment where you have a place in line and certain privileges accrue ahead of others because of this place in line. It could also mean in a non-unionized workplace where you have some other privileges associated with length of service that those privileges would not cease or you wouldn't have to start over with respect to your place in line vis-à-vis time passing.

Mr. Duncan: — With this would you consider, let's say, health benefits to be a privilege that is connected with seniority, or will more information be spelled out in regulations in terms of this section?

Mr. Greene: — Likely health benefit would not be one of those privileges because it's not based on time unless it was based on . . . some of the benefits were based on time. So if for example you qualified initially, that qualification period would not have to be re-served. That could be one of the considerations. But seniority should be viewed as a privilege that is accrued because of a passage of time. What happens is that that stops at the time you take leave, but you don't have to restart the process once you get back.

Mr. Duncan: — Would this — to use a specific example — would this protect, let's say, a professor that has tenure at a university?

Hon. Mr. Forbes: — When this was explained to me . . . and it made a lot of sense. For us who are on political leave, we have our place in line, but I don't accrue any more years as a teacher. But if you're in a maternity leave situation where time is much more limited, then some of the benefits do accrue to you on that time. So we talked about that in terms of not knowing the length of time and the issues around benefits.

So I don't know if that's helpful, but that was the comparison that made sense to me.

Mr. Duncan: — Okay. Thank you for that, Mr. Minister. Mr. Chair, I think that's all I have for questions at this time. I think this is a good amendment to make and to give protection to our reservists in the province of Saskatchewan that are doing some great work for our country. And I think my colleague has some questions.

The Chair: — Thank you very much. I'll recognize Mr. Hart.

Mr. Hart: — Thank you, Mr. Chair. Minister, my comments don't pertain directly to the Bill and the changes it's making on behalf of reservists. But what I would like to do is raise an issue for the public record that was brought to me by a constituent whose son is a reservist and is in training, I believe, in one of our neighbouring provinces and will be apparently going to Afghanistan after he is done his training.

And the issue is this. The young fellow is a Saskatchewan resident, has a vehicle registered here in Saskatchewan. I believe he is currently at a base in Alberta. He will be there for a few months and then will be moved to Manitoba. And the issue that his father raised with me is the requirements for licensing his vehicle with the regulations in neighbouring provinces. And I don't have all the details, but I wanted to raise it with you.

I realize it's not an issue that you yourself can change, but it is an issue that, because you're taking initiative in this area, it's something that perhaps we can look at. I'm not sure if anything can be done about it, but it is a major inconvenience and a major irritant. And it's something that these young people who will be leaving to do their duty on behalf of this country . . . If there's any way that we can deal with this to make it less of an

irritant for them, I would just ask you to look into this whole issue of . . . and perhaps talk to the appropriate authorities in our provinces to see if anything can be done. I'm not sure if they can be. But it's just an irritant that if we can, through some regulation changes, alleviate these young men and women from this irritant, I think we should do that. So I would just like to put that on public record.

Hon. Mr. Forbes: — Yes. I will follow up with that. I mean, this is an interesting process that we're involved in because we haven't really gone into this area. But clearly it's one that's more and more, I think, appropriate for us to be talking about. So it's good.

The Chair: — Thank you very much and I'll recognize Mr. Stewart.

Mr. Stewart: — Thank you. The member from Weyburn-Big Muddy asked most of the questions around my mind. We're very familiar with this Bill as you know, Mr. Chair. We wrote the original version, and we're ready to vote it off now.

The Chair: — Thank you very much, Mr. Stewart. Clause 1, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 5 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: An Act to amend The Labour Standards Act. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Could I have a member move the Bill?

Hon. Mr. McCall: — Mr. Chair.

The Chair: — Moved by Mr. McCall. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you. Could I have a member move to report the Bill without amendment?

Hon. Mr. Lautermilch: — I move to report the Bill without amendment.

The Chair: — Mr. Lautermilch has moved that we report the Bill without amendment. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you very much, committee members, for your help and consideration this afternoon; Mr. Minister, you and your officials for your diligent work. And with that, this committee stands adjourned.

[The committee adjourned at 16:54.]