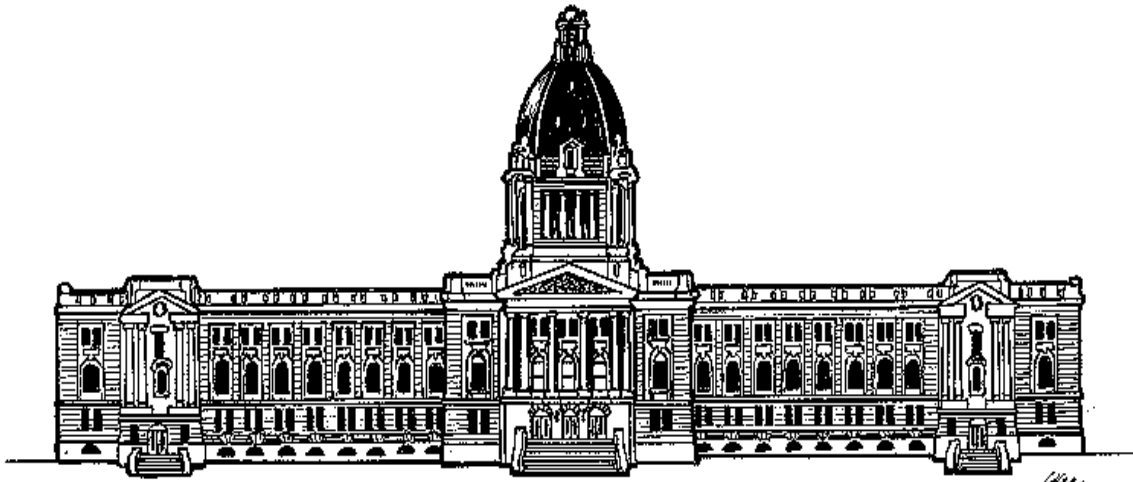




# **STANDING COMMITTEE ON HUMAN SERVICES**

## **Hansard Verbatim Report**

**No. 8 – May 7, 2012**



**Legislative Assembly of Saskatchewan**

**Twenty-seventh Legislature**

## **STANDING COMMITTEE ON HUMAN SERVICES**

Mr. Delbert Kirsch, Chair  
Batoche

Mr. Cam Broten, Deputy Chair  
Saskatoon Massey Place

Mr. Mark Docherty  
Regina Coronation Park

Ms. Doreen Eagles  
Estevan

Mr. Greg Lawrence  
Moose Jaw Wakamow

Mr. Russ Marchuk  
Regina Douglas Park

Mr. Paul Merriman  
Saskatoon Sutherland

[The committee met at 14:46.]

**The Chair:** — Good afternoon, ladies and gentlemen, and welcome to this afternoon's edition. I'm Delbert Kirsch and I am Chair of Human Services. Also on this committee is Mr. Cam Broten, Deputy Chair; Mr. Mark Docherty; Ms. Doreen Eagles; Mr. Greg Lawrence; Mr. Russ Marchuk; and Mr. Paul Merriman. Also participating is Mr. Trent Wotherspoon.

We have a very busy agenda today. The afternoon will resume our consideration of estimates for the Ministry of Education, followed by consideration of Bill No. 17, *The Child Care Amendment Act, 2011*; Bill No. 27, *The Education Amendment Act, 2011*; and Bill No. 28, *The Education Consequential Amendments Act, 2011*. This evening the committee will resume its consideration of the estimates for the Ministry of Social Services, following by consideration of estimates for Labour Relations and Workplace Safety.

**General Revenue Fund  
Education  
Vote 5**

**Subvote (ED01)**

**The Chair:** — Madam Minister, please introduce your officials and make your opening remarks.

**Hon. Ms. Harpauer:** — Thank you, Mr. Chair. With me today, on my left, I have Cheryl Senecal, the deputy minister of Education. On my right I have Greg Miller, the assistant deputy minister of Education. Behind me I have Lynn Allan, executive director for early years; Tim Caleval, the executive director, student achievement and supports; Lori Mann, the executive director of corporate services; Clint Repski, the executive director of education funding; Doug Volk, executive director of Teachers' Superannuation Commission; Kathy Abernethy, the director of early years; Stephanie Hall, director of Provincial Library and literacy; and Phil Pearson, facilities consultant, corporate services; and Angela Chobanik, director of education funding. I do not have any opening remarks, Mr. Chair.

**The Chair:** — Thank you very much. I would remind the officials that when they have their turn at the mike, please say your name for Hansard for the recordings. Thank you. And I understand that Mr. Wotherspoon will be asking questions, so you have the floor.

**Mr. Wotherspoon:** — Thank you, Mr. Chair. Thank you, Madam Minister. Thank you, officials for joining us here today to answer questions. Specific to the termination of the SaskSmart Innovations Fund, I'd urge the minister to provide to this committee the evaluation and process that her ministry undertook to evaluate that program before termination.

**Hon. Ms. Harpauer:** — There was no formal evaluation. The program was underutilized. It was one-year grants, and I made the decision that the money was better spent in such initiatives that we could have full utilization of the funds such as literacy camps.

**Mr. Wotherspoon:** — So the minister cut the program that

certainly impacts communities all across the province without any formal evaluation?

**Hon. Ms. Harpauer:** — There was no ongoing program. I can't stress that enough. There was no ongoing program that you were suggesting. There are a number of ongoing programs that are directly administered by the ministry. Those continue but the year-over-year grants available to communities was not ever ongoing, was never meant to be ongoing, and was extremely underutilized because communities were not applying for the grant.

**Mr. Wotherspoon:** — Does the minister see value in the sort of community-based, community-level literacy plans particularly focused around families and adults?

**Hon. Ms. Harpauer:** — The ministry strongly supports literacy, and as such we've increased our budget in the literacy budget and the programs that we feel are showing results and are effective. I believe the literacy budget was increased by 16.7 per cent this year.

**Mr. Wotherspoon:** — The minister just stated that the ministry made an increase in an area that they felt was showing results, but there was no formal evaluation of the SaskSmart Innovations Fund, no eye to evaluating it or an eye to strengthening that work. Is that correct, Madam Minister?

**Hon. Ms. Harpauer:** — I think I've answered that question, but perhaps the member opposite wants to clarify how an underutilized program . . . So how do we evaluate what wasn't used?

**Mr. Wotherspoon:** — Well I think you'd lay out some parameters. You'd engage your civil service, the educator sector, some leaders in public policy to examine what sort of programs have been utilized, what the impacts have been. And then you would come forward with some quantifiable evidence and some qualitative information to be able to make evidence-based decisions around areas such as literacy. So I think that might be a bit of an example. But maybe I would urge the minister to talk with her officials about that sort of evidence-based decision making.

**Hon. Ms. Harpauer:** — Okay. There was a little over \$700,000 were available for submissions from communities. Of that, only 177,000 was utilized. So a very small percentage of the money was actually utilized.

When we look at where that money was utilized, the intent was that it would give the kickoff to sustainable programs that would be sustainable within those communities. In fact it was a failure in meeting that initiative. The other initiative that would be a priority for me is whether or not it was being utilized, quite importantly, in at-risk communities, and that was not the case either.

So as I said, I cannot say enough about where that money was redirected, and that was into literacy camps, which is in our at-risk communities, largely the northern communities. The results of the engagement of not just the children that engage in these camps but also their entire families I think is truly

significant. So that is identifiable, it's measureable, and I believe somewhere where the government can start to make a difference in vulnerable communities.

The other programs, as I said, did not prove to be sustainable. The communities . . . It just failed in what its intent was.

**Mr. Wotherspoon:** — It's fairly strong statements, you know, as far as the many, many communities all across Saskatchewan that have been touched by these literacy plans. And I know that this has been, these literacy plans have been active in places such as Estevan and all the way up in La Ronge and really almost everywhere in between. The statement . . . And has had engagement with educational partners right across those communities and volunteers.

The minister's just straightforward answer that these were failures of programs I think is disappointing. And to make a statement like that without an evaluation of the work that was ongoing, a very broad brush that the minister seems to be applying, and I find that disappointing. I guess what else we should be looking is what we're replacing these dollars with. Certainly the program itself, being the summer camps, certainly have their merit. I think they sound like a positive step. But it's disappointing that it's an either/or sort of decision. And I guess just to clarify, are these camps, are they one week in length in the summertime for a participant?

**Hon. Ms. Harpauer:** — They're six weeks in length. And what was a failure was in initiating programs that would be ongoing within the communities. And that didn't prove to be the case, just to clarify what you have just said.

It's interesting also that when you're the Finance critic and you have been critical of the only balanced budget in all of Canada, that you would say, well it shouldn't be an either/or; we should just spend money on everything and anything no matter whether or not there's significant results. I know some of the programs that were approved was one such as babysitting courses was one of the approved expenditures of this money. I do not feel that that is necessarily where government should be. I know, having three daughters who all took babysitting courses, I paid a small amount and the community delivered that course.

And so yes, it is a matter of picking priorities. When you are determined to have a balanced budget and proud to do so, then you do pick priorities. You do pick the vulnerable communities and the vulnerable children that you can impact, and that is where you direct funding when you make budgetary decisions.

**Mr. Wotherspoon:** — Just with respect to the public relations line around budgetary balance, of course we hear this each year — this is for those at home that I know are questioning the government on these fronts now — but each year we hear that at budget time, and then of course that bears itself out as something different the last few years. And the government's record over the last few years is claiming budgetary balance on budget day and then not balancing the books.

But certainly when we're looking at a program as well that increases or addresses or should focus resources to see better outcomes in family and adult Aboriginal literacy, these are directly tied to our economic outcomes as a province as well.

And certainly as Finance critic I respect the importance of development of literacy and education in building out a stronger economy and building out and generating certainly even, if you will, revenues for the province many years forward. It's an important investment, and shouldn't be seen in a short-sighted way as simply expenditure. And in fact, without meeting some of those needs in many of these communities and for many families, we're failing to capture some of the economic and social opportunities that present to the people of Saskatchewan.

Specific as well, this program was, you know, is a few hundred thousand dollars. I don't know the exact amount. It was utilized to various extents in each of the budget years. But from a financial perspective, the dollars that we're spending needlessly right now on high-interest loans for school boards to carry a portion of their financing at a much higher rate than the ministry of financing can source, certainly there is a real opportunity to save some dollars, reprioritize some back towards literacy, but also to other needs whether it's debt reduction or some other program area. So those opportunities exist and they're certainly not being worked towards earnestly by this government.

But I find it, I do find it disappointing that we know that the research, the evidence supports family, adult, Aboriginal literacy support at the community level. And in fact the summer literacy camps and those outcomes could very well be supported in a much more significant fashion through a tool such as the SaskSmart Innovations Fund and being able to focus its resources to make sure that it's supporting the work of those literacy camps and supporting the learning that's occurring there.

[15:00]

So that's where I speak that this shouldn't be either/or. I know in many communities that connection to learning and literacy and education is absolutely invaluable. And simply it shouldn't be a sort of just one approach that we employ in this province, and certainly it's not in our best interests to do so. But the minister has a different approach on that.

**Hon. Ms. Harpauer:** — Actually we don't. I absolutely agree with much of what you said, that the literacy, and specific for First Nations, is directly linked to our economic growth, and that's why we increased our literacy budget by 16.7 per cent in programs that we deliver. In that I think we absolutely agree. In the fact that we have \$4.3 million available for different specific and unique programming within school divisions over and above their ordinary budget allocation, also specific to First Nations and Métis education programs, also means that we recognize and agree that we need to support literacy and learning for our First Nations population. So in all of that we totally agree.

I think the member opposite is trying to portray to the public that because we discontinued this \$177,000 worth of spending that we're not spending anything, and that's not the case. We're spending that and far beyond. The literacy camps alone are 500,000, as well as the other funds that are in our literacy budget. So we have, again I stress, increased the literacy budget by 16.7 per cent for different programming for literacy.

His suggestion that this should be the delivery of the literacy camps, there is a partner that does the delivery of the literacy camps already. And we're actually the ones that brought the whole concept forward, and that's Frontier College, and I don't see any reason to discontinue that partnership.

**Mr. Wotherspoon:** — Just to clarify, I never made any statement around this being . . . the deliverer should be the deliverer of that programming. My statement was around that that's a good initiative but something that could be supported and strengthen the outcomes by having some community-based plans that run year-round in those communities, in supporting families with that important literacy. But I'll move along because there are a few other items that I would like to get to here in this hearing here today.

Question to the minister or to officials: is there a policy specific to school community councils and the expenditure of their dollars on school board elections; so specifically, involvement in a candidate's election?

**Hon. Ms. Harpauer:** — We provide about \$2,000 per SCC [school community council], but it's unconditional funding.

**Mr. Wotherspoon:** — The funding for school community councils is unconditional? There's no parameters as far as how those dollars can be utilized?

**Hon. Ms. Harpauer:** — Correct.

**Mr. Wotherspoon:** — Is it appropriate for those dollars to support a candidate to run for school board?

**Hon. Ms. Harpauer:** — This is obviously a specific case that's been brought forward to you, so I don't have a comment because I don't have any information on the case that you are referencing.

**Mr. Wotherspoon:** — Just a more general question: is it appropriate for school community council dollars to be spent to support a school board member's election?

**Hon. Ms. Harpauer:** — In what way? To buy brochures?

**Mr. Wotherspoon:** — From a communications perspective, I understand.

**Hon. Ms. Harpauer:** — I would think it would be very odd for that money to be spent on someone's brochures or communication pieces. My suggestion for anyone who brought that complaint forward is they should talk to the school board involved.

**Mr. Wotherspoon:** — Is the minister able to verify whether or not it's appropriate from the ministry perspective to be spending the operating grant on the election of a school board member or if there's parameters in place? Or is that left to each school board to set policy?

**Hon. Ms. Harpauer:** — Again I would stress I would find it very odd if that money went towards any communication material of a particular candidate. And again, I would express that whoever has a concern should bring it up with their school

division, with the school board.

**Mr. Wotherspoon:** — So, as the Minister of Education, there's no policy that you set on this front, no expectation that you have as minister?

**Hon. Ms. Harpauer:** — Again I will say that I would find it very odd. The expectation of the funding of course is to allow the community members to meet to discuss education programming within that school division and within their community. So I'm not sure how many more ways you want me to say that I would find this very odd. We've never had concerns brought forward, and so therefore there is no set it must be spent for this.

Again I will tell you, answer the question again and say, it's unconditional funding. There hasn't been concerns raised until this very moment. The particular situation that you are alluding to has not been brought to my attention in any detail.

It has been funding that's been available for a number of years now without concerns being raised because the SCC members are, I believe, are very, very dedicated community members who have their concerns. And their focus of course is on the education within their particular community, and that's the purpose of the SCCs.

So I suppose if we — and I have no details on this particular situation that you're alluding to — I suppose if we had a number of cases where perhaps we questioned where this money was being spent, we would have to revisit the fact that we have given a lot of local decisions to be made with the allocation of this money.

**Mr. Wotherspoon:** — And I don't question at all the role that SCCs and also those volunteer board members or their focus to improve education in their community.

Now the minister speaks that this would be an odd circumstance from her perspective but does state that these are unconditional dollars. So from the minister's perspective then, do you approve? It's school board election year as we speak here. And this is certainly less than clear as far as what's appropriate for the use of those public dollars. And certainly, I guess, by saying that it's odd but that it's unconditional to that funding, I guess that supports SCCs to utilize those dollars to support a school board member if that was their choice.

Is that the minister's perspective, or does the minister feel that it would be inappropriate for those dollars to be utilized from her ministry's perspective?

**Hon. Ms. Harpauer:** — I'll answer this for the third or fourth time now. I do not find it appropriate to be buying campaign literature for a campaign with those dollars. I'm not sure how much more you want me to state that. However, I have no jurisdiction, obviously, on unconditional dollars to state it other than — I will say again — it would not be appropriate to buy campaign literature and communication material for someone's election with those dollars.

**Mr. Wotherspoon:** — So how would it be inappropriate if the funds are unconditional?

**Hon. Ms. Harpauer:** — The intent of the funds, and I will answer this one again too, the intent of the funds is to allow community members to gather and to have discussions on education for that particular community and initiatives that they can put forward for what they feel would benefit the students in that particular community. So I don't believe that included campaign material.

**Mr. Wotherspoon:** — And the minister stated that she wasn't aware of dollars being utilized in this fashion. The minister's had no notice to her office of dollars of SCCs being utilized for purpose of school board elections?

**Hon. Ms. Harpauer:** — Unless that notice came in the last two days and is in my pile of reading, the answer is absolutely I have not.

**Mr. Wotherspoon:** — So funding, the minister, the minister has no conditions that she places on it. But she states it would be inappropriate for those dollars to be utilized in that fashion.

**Ms. Eagles:** — Point of order, Mr. Chair. This same question has been asked a number of times. The minister has answered it a number of times. And I'm sure the member has other questions that he would like to ask that, you know, the minister has just very clearly stated that this is unconditional money that goes to the school boards. But the member just doesn't want to seem to accept that.

**The Chair:** — Mr. Broten.

**Mr. Broten:** — The member's line of questioning, they have been unique questions. The member has been trying to get specific information and has asked the question in a different way. It's about public dollars flowing out through the ministry's budget, so the questions are completely appropriate.

**Hon. Ms. Harpauer:** — Mr. Chair, I'll try one more time to help the member understand. Millions of dollars flows to school divisions, millions of millions of dollars. Our budget is enormous. Millions of dollars flow to school divisions. Most of it is unconditional. School divisions, school boards have a great deal of autonomy by legislation to make decisions on the allocation of the funding that flows to them. I cannot, unless we want to change legislation, override those decisions.

So the education budget about is about \$1.7 billion that flows to school divisions, and the decisions around that money are decisions made by school boards who are locally elected. Those school board trustees, by legislation, have the authority to make decisions on the allocation of those funds. Perhaps now the member can understand.

**Mr. Wotherspoon:** — It's just a fair . . . It's an interesting question. Now dollars do flow to school boards. Sometimes they do come with some conditions. But we are in a school board election year again as well, and just wondering from the minister's perspective if there's clear definition of how those dollars for school community councils should be utilized, then provided an example of what's been suggested, that dollars have been utilized to fund a school board candidate's campaign and a specific school community council doing so. In fact I suspect the school community council did so thinking they were

supporting their program and the best interests of their school, so I don't actually put the lens onto the school community council. But the minister does have responsibility for public dollars that are being expended.

[15:15]

So certainly what I will do, I will provide the scenario or the circumstance to the minister to have her office review because I think some clarity may be important on this front. The member opposite says, how much clearer can we get? I think the problem is dollars are being spent, have been spent, as I've been notified on a school board member's campaign. And if that's appropriate, then that's appropriate. If it's inappropriate, then there's financial controls that likely should be in place to reflect that. To have expectations and state that certain expenditures are inappropriate, but then not have financial controls to ensure that that's the case, is an area that I think, of administration, that could be strengthened. And I think that the minister's office does have a role, that the minister has a role to play on that.

**Hon. Ms. Harpauer:** — So I would assume then if we brought forward . . . Or you were saying that you and your colleagues would be in favour of changes to legislation to take some autonomy away from the school division trustees.

**Mr. Wotherspoon:** — No, what I'm looking for is some clarity and some definition and some financial controls based around expenditure of school community council dollars. If the minister's . . . The minister can't have it both ways. If the minister finds that that would be inappropriate, as she has stated, then I think there's educational partners that could be worked with, school boards, on this front to gain an understanding of what practice occurs across the province, across the education sector. And I think in a collaborative, consultative way the minister could work with those partners to define if in fact there is a clear policy for those expenditure dollars as it relates to school board elections.

And I think that's the role of the minister. And I think we've seen all too often this minister and this government shirk that responsibility in the education sector, not deal with the partners in co-governance, and certainly those are school boards.

So certainly I'm not looking for the minister to rewrite legislation and take away autonomy of school boards. Quite the opposite. I'm looking for the minister to provide some clarity around the use of these dollars and then to work with educational partners to clarify whether or not that's an appropriate expense, be able to communicate that back out to stakeholders and to the school community councils. That is if the minister believes that that's an inappropriate expenditure of public dollars. I'm not certain that that's too much to ask for.

**Hon. Ms. Harpauer:** — Well I think that the member opposite wants it both ways. He wants the minister to be able to direct expenditures but also allow for the money to remain unconditional. In order for direct interference in how dollars are spent, we need to change legislation. He should understand that.

Now, are there no controls? Well, absolutely there are. Financial operations of school divisions are audited. They also now, under our government, are at the audit of the Provincial

Auditor, which was not the case, quite frankly, with the previous government where their books were not audited by the Provincial Auditor. So they are more accountable for their expenditures than they have been in the past.

So if I'm going to micromanage a \$2,000 allocation and a \$200 million budget, you would need legislative changes. Do we give parameters? We expect curriculum to be taught, like there are parameters, and financial operations are audited but not micromanaged to the extent that the member opposite is asking for. And in order for that micromanagement to happen, legislation would have to change. You can't have it both ways either.

**Mr. Wotherspoon:** — The minister rejects an opportunity to engage with educational partners on this matter and to . . . It seems right now . . . Is the minister aware, do school boards have different policies on this front? Does one school board allow this to occur and others not allow it to occur?

**Hon. Ms. Harpauer:** — I would suggest that he has an isolated case. And does the minister give advice on case by case? Yes, I have spoken to school divisions on case-by-case situations to clarify whether an accusation is indeed true or false. But to blanket, decide that all community school councils are doing this, I question that a great deal.

**Mr. Wotherspoon:** — I'm sorry I didn't understand your final statement. Were you asserting that I was suggesting that school community councils or many of them or multiple are doing this?

**Hon. Ms. Harpauer:** — That's what I'm saying that you are suggesting.

**Mr. Wotherspoon:** — Not what I was suggesting at all, Madam Minister. What I've suggested is I have an example provided to me that suggests — and fairly clearly — that dollars were expended from a school community council to support a school board member's candidacy.

My question to you, Madam Minister, was: is that appropriate from her perspective? And are there policies in place to allow for that, or is that something that's not allowable expense? And we are in school board . . . We are at a time where we're getting into school board elections, and they are public dollars. I was looking for some sort of a statement. There may be school community councils that would like some definition on this front whether or not that's appropriate or not appropriate.

**Hon. Ms. Harpauer:** — I've answered those two questions time and time and time again. I also meet with the community school council association. And if they want to bring forward a suggestion that they would like to have their mandate clarified by the ministry, I'd more than welcome that suggestion, and I'm more than happy to work with them. Until that point in time when they have asked for that and feel that there is a need for that, we will work with concerns that come forward. And this is the first one, quite frankly, that I've ever heard of and I know nothing of details. I'm more than happy to work with issues of concern on a case-by-case basis.

**Mr. Wotherspoon:** — Could the minister describe today some

of the responses to questions that were put in question period today about concerns being expressed by the education sector around the adequacy of the funding model and its tools to recognize population growth pressures in divisions particularly Saskatoon.

The two school divisions have spoken out with concerns with respect to the funding model and how it operates at a time where populations are fairly dynamic or quite dynamic. School board members have stated, and directors and board Chairs, their concerns. The minister today suggested that, I believe — and I want to make sure I'm fair in characterizing this — that their concerns are not as they put them, not as they share them. I'm looking for the minister to clarify her statements today.

**Hon. Ms. Harpauer:** — Well I think I was very, very detailed in my answer today in question period that there are eight school divisions that have seen enrolment increases largely, not entirely, but largely due to immigration. There are two school divisions that have raised concerns with the budget allocation for this year, those two school divisions being the Saskatoon Public School Division and the Greater Saskatoon Catholic School Division. Interesting, the Saskatoon Public School Division is a large winner in the new funding formula. When tax base wealth is redistributed, a large recipient of that redistribution is the Saskatoon Public.

Another interesting thing with those particular two school divisions is that in 2001-2002, both school divisions had a peak in their enrolment. It was at an all-time high, and after that year, their enrolment dropped. They are still not at the 2001-2002 levels; however their funding is significantly more. Now we recognize that there are increases over that decade, and that would be increases in salaries as well as inflationary increases. However, as I said in question period, the increase to the school divisions is also significant, which surpasses enrolment increases as well as inflationary increases.

Specific to the Saskatoon Public School Division, what I said in question period is that for the 2012-13, the Saskatoon Public School Division budget was based on a projected enrolment of 20,794 students. As of today, using their database information on their data system, they are at 20,742 students, which is 52 students less than what their budget was allocated for. I understand they're very concerned come the fall of 2012 that they again may see a 300 to 500 student increase.

And I'm more than happy to have just met with them, and we had a discussion on different ways we can address this. However they have not . . . As I expressed, the budget allocation they had for the 2012-13 budget is in fact budgeting for more students than they have right now in their classrooms today. The Saskatoon Public School Division has 56 schools in total, and they have 52 students less in those schools at this moment than what the budget allocation was for. That is a 7 per cent increase year over year to the Saskatoon Public School Division. As well as, additionally, there is capital dollars that is going to the Saskatoon Public School Division.

So part of the conversation we need to have is, we know — and I think the board members are reasonable enough to know as well — that we cannot have budgets for school divisions year over year over year increasing than the revenues of the

province. That is not sustainable. So we need to work together, quite frankly, to decide how we address this issue.

For the Greater Saskatoon Catholic School Division, what I said in question period was that they were allocated a budget based on an enrolment of 15,097 students. As of today, using their data, their enrolment is 15,152. That is 55 more students than what their budget allocation was for. They have 56 schools in total, so that is one child less of an average of one child per school. The Greater Saskatoon Catholic School Division received a 6 per cent increase, budget over budget, as well as money for capital expenditures.

Again, I'm more than happy to work with this school division to talk about these issues. Neither school division is at the level of enrolment that they were in 2001-2002. I think that's what I covered in question period.

**Mr. Wotherspoon:** — Now does the minister not feel that Saskatoon is growing this next year? Because the minister is stating numbers based on what she suggests are numbers here today. Of course the funding that we're speaking of is for the 2012-2013 school year.

So you highlight Saskatoon Catholic right now that has more students already at this point in the year. I guess this is early May. Does the minister feel that Saskatoon is no longer growing by way of population, and particularly for school-age children? Because right now it already has more — and this is in May — and this is for the budget for next year. Does the minister feel that the expectations for population growth won't continue in Saskatoon next year? Because I think I would see information that would suggest otherwise.

**Hon. Ms. Harpauer:** — Yes. We are in a growth agenda. We are growing in our province for the first time in decades. I think we're all aware of that. Thank you.

**Mr. Wotherspoon:** — How many students does the minister expect will increase, will come in through those doors of Saskatoon schools next year additional to what the current funding is based on?

**Hon. Ms. Harpauer:** — In the Saskatoon Public . . . So for part of the year for the Saskatoon Public, as I said, they're right now being funded for 52 students less than they have. They're projecting between 300 and 500 students. If you look at the fact that they have . . . So they're projecting that they're going to have, on average, about 10 more students per school in September. I would say that's close to what, the same as what the Saskatoon Catholic school division is projecting. It still does not quite bring them to the 2001-2002 levels of enrolment that they had at that time.

So yes, we're working with them. And yes, we acknowledge there is going to be growth. And yes, I have promised all school divisions we will revisit the funding formula and find ways to improve it. And I will continue to commit to do that. All of that has been stated time and time again.

**Mr. Wotherspoon:** — The minister stated that she felt Saskatoon Public was a "big winner," just moments ago with respect to the budget that it received. That's a fair assessment?

I'm quoting your words.

[15:30]

**Hon. Ms. Harpauer:** — There will be, when you look at the shift in . . . The reallocation of tax wealth created shifts in funding. A lot of the tax wealth, not all, but a lot of the tax wealth quite frankly was in rural Saskatchewan due to the natural resources. I've given the example a number of times. In my own particular area, prior to the amalgamation, my daughters went to school in the Lanigan school division. The Lanigan school division under the NDP [New Democratic Party] model of funding education got zero money from the government. They were totally funded, quite frankly, from the natural resources in the Lanigan area as well as very high assessed agricultural land. So my daughters were fully educated by tax wealth, not the Government of Saskatchewan, but by property tax wealth.

So when we talk about, of course, the inequities that existed under the NDP that was ignored by the NDP, we're talking about that type of tax wealth in some areas and not in others. So when I said that Saskatoon Public was a — as is Regina Public and Catholic, quite frankly — a recipient of the redistribution of the tax wealth, yes, they are. They will see, when there is a shift, they will see increases. And if you look at all the budget, and I know, I'm sure you've looked at the school division budgets to realize that 7 per cent is on the high side.

**Mr. Wotherspoon:** — I just find the minister discounts the voice of educational leaders out there and data in a significant way. Even here, unless the minister has a different perspective, I know Saskatoon Public is expecting 600 students through its doors next year. And the minister divides it up by the number of schools and makes it as if it's a small challenge for schools to take on. I don't know. It's rather interesting.

We're at a dynamic time in the province. The population is growing, but the minister is failing to fund that education properly. And I know when you chat with Saskatoon Public in their difficult decisions they're making with a shortfall of 6 or \$7 million this year, I don't think they'd like to be characterized as a big winner with that funding.

I find it disappointing. I find that, you know, either we bring these numbers to the table and discuss it in good faith and find some mechanisms to support the learning that should be going on in the province, or we just have political spin at this table. And that's, I don't think, productive for any of us, certainly not helpful to the education sector and students. And I think they deserve more than stories of the NDP many years ago and the minister's perspective.

Saskatoon Catholic specifically, where they have an increase in budget, and the minister speaks of these increases, what the minister should know — not numbers that I'm bringing to bear; it's not he said, she said; it's what the school board Chair has brought forward — that the new formula brings forward \$7.9 million in funding, new funding but that that's eaten up by expenditure increase of \$8.9 million. That's a \$1 million shortfall. If you take \$7.9 million and you pull out the increases in inflation and the teachers' collective agreement and those costs, it's a \$1 million shortfall. And what the minister should



know is that that's before the 500 additional students that this division is planning for the next year.

So the minister . . . I find it disappointing. I think teachers would find this discussion disappointing, and I know parents and students would find this discussion disappointing for the minister to trivialize which is a significant challenge. And there's an opportunity to have this addressed. And having it addressed isn't for the minister to simply go to those school boards to meet with them and then to come back and trivialize what's been shared and what's been said. It's a matter of acting in a responsive way to some of the demands, pressures, but also opportunities, if you will. All of this growth should be providing and enabling some opportunities in education, and instead we have a minister that comes to a committee table here, that wants to do partisan, political spin, and to discount the voices of educational leaders across this province.

So I guess I look to the minister: how does she suggest that a school board such as Saskatoon Public that is projecting right now a \$6 million shortfall, projecting 600 students who are unfunded by her ministry, how that's supposed to be a big winner through the funding allotment provided to them?

**Hon. Ms. Harpauer:** — I think I just heard the political spin, and it wasn't from this side of the table, quite frankly. It's interesting when you say, how am I going to address it, and I just told you how I've met with the Saskatoon Public School Division to discuss solutions for this. I think it was a very good discussion. I think there was some suggestions that we can work on.

However now you've just said, well it doesn't do any good to meet with the school divisions. Well frankly, I . . . [inaudible] . . . I will continue to work with the school divisions to talk about solutions. I will not be deciding those at this table with the NDP whose solution was to ignore the pressures on the education system, to download where they had to go to the tax base, time and time and time again, in order to get funding to just survive. So I will continue to work with the school divisions.

This funding formula has been a long process of engaging the stakeholders every step of the way. And in fact, in the extra year of looking at it, you know, doing a sober second look, we used an official from the Greater Saskatoon Catholic School Division. They asked if he could be included and he was. That was Don Lloyd, and we value his input in this formula.

I'm a little bit surprised quite frankly, when you said, like, all the minister will offer is she will talk to the school divisions. Yes, I will talk to the school divisions. Yes, I've committed to do a complete review of the funding formula this fall. So yes, we will be continuing to communicate and consult with the school divisions on how we address this and other issues which affect the funding for school divisions.

However we cannot and will not allow — we simply will not, and I will say this to any school division; I will say this to the public — we will not go into debt if education is rapidly costing more than the revenues of our government. We simply are going to live within our means. We are going to continue with balanced budgets. We are going to continue to sustain growth

within our province. We're going to do it within our fiscal capacity to do so. So we will continue to work with school divisions. We will continue to encourage growth.

And I will remind the member once again, we had in the past a situation where we were only looking at decline, and that is not the case any more. And I think that we should be very proud of Saskatchewan and what is happening in Saskatchewan and understanding there's challenges that come with it. But I will continue to work with the school divisions on how to address those challenges, not have a, as you said, partisan debate here.

**Mr. Wotherspoon:** — And really, Madam Minister, there's no reason for a partisan debate here. There's an inadequacy in the funding formula. A lot of work has gone into it. Doesn't mean the whole funding formula is flawed in all of its aspects — not at all, Madam Minister. There's no reason to be defensive here today.

As far as meeting with the education sector and school divisions, that would be the expectation of the official opposition. That's how education policy is built in this province. That's how that relationship should be. And I find it odd that certainly this government's legacy with the education sector has been one certainly not of being consultative on decisions that impact them. And so I find that that's interesting.

And as far as the comments about meeting with school divisions, that is important. But then what's important from that is a responsive government, recognizing that we have a dynamic time here in Saskatchewan and that we don't grow for the sake of growing. We need to make sure that it's, in fact, supporting students and improving people's lives. Part of that is through education, and we have a real opportunity to refine this tool.

And what school divisions aren't looking for and educational leaders and students is a review in September that might cause some change in the following year. They're looking for some changes to adequately compensate those divisions for the pressures of growth and make sure that resources are there in these strained classrooms. And I don't think it's too much to ask for.

I will focus on another area. What I call for is still a productive solution in this year — not looking at next year, not out of the review in September — but a tool this year, a mechanism that will address the pressures that boards are facing and for the minister to show some, demonstrate some leadership with educational partners on that front. And it's certainly possible for us to achieve that if the minister took that approach or if this government took that approach. I also respect, Madam Minister, that you don't act alone, that you're part of a government and that you can't act in a way that's not supported by the rest of . . . by your Premier or by cabinet.

But I would like the minister to identify some of what she's hearing around supports for English as an additional language. This is a separate matter. Some of it connects here, but certainly through the population growth we're experiencing, some of that — in fact, quite a bit of it — are new students that have English as an additional language, and we need to make sure we're supporting those students and all students properly. Certainly

there's concerns that that's not the case right now, and there's an opportunity to make some improvements on this front. I look to the minister as to what she's hearing and what her actions may be.

**Hon. Ms. Harpauer:** — Just to address your first comment. So when you take the Saskatoon Public School Division that's seen a growth in student enrolment by 1.7 per cent and a growth in their budget of 7 per cent, I wonder what the member opposite would think would be enough then — a 9 per cent increase, a 10, 20, 15 perhaps? Is it okay for a . . . How much is enough when the enrolment increase is 1.7 per cent; the budget increase is 7 per cent? I'd be very interested to know what percentage increase the member opposite would like to see these school divisions get and whether or not he then feels that it's sustainable?

In his question on English as an additional language, again I want to stress that school divisions have the jurisdiction and the authority by legislation to decide their staffing complement within their school division. We know that since the 2008-09 school year, there's been a 51 per cent increase in the number of English, that is, additional language teachers within the school divisions that they have chosen to hire. In addition we have, outside of the actual operating funding that we have given to school divisions in this particular budget, we have included \$600,000 that will go towards, go to specific school divisions that see the most growth, in helping them to do the assessment of students which we will hope will help them then to know what supports the teachers will need.

**Mr. Wotherspoon:** — Is the minister hearing whether or not what's been put forward is adequate with respect to the pressures that boards with many new Canadians or English as an additional language students are receiving? Is she hearing that what's been provided is adequate?

**Hon. Ms. Harpauer:** — I don't put forward money specific to English as an additional language. I'm going to just repeat part of my last answer because, again, money goes to school divisions is unconditional, and they decide their staffing complement and what particular staff that they need in order to meet their needs. So we've already had a great discussion about two school divisions that have raised complaints. I guess we can go around and around that again. Money allocated to school divisions is unconditional money, and therefore they have the decision on how they want to staff their schools. They make the decisions on the staffing complement within their schools. They have that authority by legislation.

[15:45]

**Mr. Wotherspoon:** — Thank you, Madam Minister. So specifically the minister controls funding to divisions by way of the amount that's allocated and also has a funding formula that is weighted in certain areas such as English as an additional language that's intended to bring equity to education and address those needs. And so certainly that's the tool that I'm looking at when I'm talking about whether or not it's adequate or not.

Certainly, to put onto the record, we're hearing from many that there's some improvements that should be made on that front

and some deficiencies within that structure. Like I say, it doesn't mean an entire rework of the funding formula. A lot of work has gone into this by educational leaders from across the province and by ministry officials. But we have an opportunity to get it right and to refine that tool and meet the needs of students.

Specific to new curriculum, I guess my question to the minister would be: it's been a time where there's been a new curriculum that's been introduced to the education sector. Does the minister feel that that curriculum has been supported as much as she feels that it could have been, from her perspective?

**Hon. Ms. Harpauer:** — Two questions, I guess, specific to new curriculum of what, and supported by who?

**Mr. Wotherspoon:** — Supported by the ministry that's bringing it forward, and with an aim towards the most effective implementation of that curriculum. Of course the new curriculum is only as strong as how it's going to be implemented and supported back into the classroom. Does the minister feel that it's been supported and implemented as effectively with the supports from her ministry as it could have been?

**Hon. Ms. Harpauer:** — I think it's inconsistent from one school division to another. And as to the support that is put into new curriculum and the support that is there for the teachers, I think that has been demonstrated, quite frankly, with the recent consultation process that we undertook with Mr. Makowsky and Mr. Marchuk. So with that knowledge in mind, I'm going to say stay tuned to an announcement.

But yes, I think we could probably . . . We can do better in helping those school divisions that perhaps aren't giving the support that they should. We need to have more consistency and support for new curriculum.

**Mr. Wotherspoon:** — At this point in time I believe . . . Have we reached the time of conclusion allocated for estimates or should we continue through the afternoon and evening? We're comfortable with either scenario. We've got lots of good questions from stakeholders from across the province.

**The Chair:** — Thank you very much. Now reaching the time of 3:45, we will have a recess while we change officials. You have a comment you'd like to . . . Mr. Broten. I mean Mr. Wotherspoon.

**Mr. Wotherspoon:** — I'd just like to say thank you to the officials that have joined us here today, and certainly the minister as well.

**Hon. Ms. Harpauer:** — I too would like to thank the officials, for those that have to leave. I think a lot of them have to stay. And thank you to the member opposite for his questions.

**The Chair:** — Thank you. We'll have a five-minute recess and we'll change officials and be right back. Thank you.

[The committee recessed for a period of time.]

[16:00]

**Bill No. 17 — *The Child Care Amendment Act, 2011*****Clause 1**

**The Chair:** — Welcome back, everyone. First on our agenda is Bill No. 17, *The Child Care Amendment Act, 2011*. We will now consider clause 1, short title. Madam Minister, do you have any opening remarks? You may proceed.

**Hon. Ms. Harpauer:** — Thank you, Mr. Chair. I would just like to introduce my officials. To my left is Cheryl Senecal, the deputy minister of Education. Behind me I have Clint Repski, the executive director of education funding; Lynn Allan, executive director of early years branch; Mike Back, policy advisor, education funding. To my right is Brenda Dougherty, the director of early learning and child care programs. Behind me I have Drew Johnston, director of legislative services and privacy; Billie-Jo Morrissette, the director of program design and operation policy, Social Services; Natalie Huber, the executive director, program and services design of Social Services. And also to my right I have Greg Miller, the assistant deputy minister. I have no opening remarks.

**The Chair:** — Thank you. Before we start, I would ask the minister's staff when they get to the mike to say their name for the purpose of Hansard. If there aren't any questions, then I believe Ms. Chartier has the floor.

**Ms. Chartier:** — Thank you, Madam Minister, and thank you to your officials for being here today. I don't have too many questions about this Bill. I'm not sure if my colleagues do or not, but the first one is around the reference to the Family Services Board. So this is a body that's never existed. It was in the legislation but had never been struck. Is that correct?

**Hon. Ms. Harpauer:** — That's correct.

**Ms. Chartier:** — Can you tell me about how the appeals process . . . The role of that body was to serve appeals, I understand. How did and how do appeals then around child care decisions or licensing take place then?

**Hon. Ms. Harpauer:** — Yes. Typically as the delegated authority for the minister, the deputy minister of Education performs the responsibility for the review of licensing decisions when requested by an individual who wishes to dispute the licensing decision made by ministry staff. Upon the receipt of the request, the deputy minister or a delegate will review the decision. The deputy minister or delegate will confirm, revise, or reverse, vary — whatever — the decision, and they will give a written copy of the decision they make to the person that raised the concern.

Since *The Child Care Act* was passed in 1990, there have been approximately seven requests for a review. That's one of the reasons why we've decided not to even strike the board is because that's a considerable amount of time and very few challenges to a decision made.

**Ms. Chartier:** — Just to clarify, seven requests for appeals around licensing decisions since 1990?

**Hon. Ms. Harpauer:** — Yes.

**Ms. Chartier:** — And what kinds of, just out of . . . Since there's such a low number, what kinds of appeals would those have been?

**Hon. Ms. Harpauer:** — I will ask my officials because I don't know the details of those appeals. None of them have been since I've been minister.

My officials tell me that it's been approximately two years or a little better since the last time that there was an appeal so that the details aren't here. However typically, by the recollection of the officials, is that a licence would be revoked due to an investigation that would have been initiated, or something brought forward. There would be an investigation through family services of abuse or inappropriate behaviour happening in the home, would be the typical reason for a licence being revoked, and that person would then challenge it.

**Ms. Chartier:** — Thank you for that. The one thing just with respect to your second reading speech, I know you had mentioned that both the Saskatchewan Association of Child Care Homes and SECA, or the Saskatchewan Early Childhood Association, supported this. Did they ask for these changes or did you approach them with the changes? How did the consultation take place? Was it in letters? Was it in meetings?

**Hon. Ms. Harpauer:** — Because this is housekeeping in nature, we initiated the communication with the two groups. The officials met with them face to face as well as a follow up by letter.

**Ms. Chartier:** — Thank you very much. And there were, just out of curiosity, there were no concerns or anything flagged or no worries that they were . . . I know you said in your speech they were supportive but . . .

**Hon. Ms. Harpauer:** — No. There was no concerns raised.

**Ms. Chartier:** — Thank you. And just with respect to the changes around the regulations being retroactive, just for the people at home, can you explain how that's going to work?

**Hon. Ms. Harpauer:** — What happens is when there is a rate increase of any sort, it's usually made in . . . with the budget so that we'll decide, the government as a whole, will make a budget decision to increase rates. The regulations have that rate in there, so then we need to change the regulation to accommodate the rate increase. So the regulation takes some time in order to get passed and . . . changed and passed. So what happens in the interim is that the minister responsible has to basically bring what they call an order in council to cabinet, have cabinet agree to this allocation of money up until the regulations are changed, and then it just flows.

So what we're suggesting is that we change the legislation that when there is a rate increase that comes with the budget, the minister no longer has to go each and every time with an order in council, or get an order in council approved in order for the money to flow. It couldn't flow immediately while the regulations are being changed.

**Ms. Chartier:** — Thank you for that. I think, actually I know, it is mostly a housekeeping Bill. So I think that we have other

Bills to move on to here. I don't know if my colleagues have any questions. But if not, that would be my questions for you.

**Hon. Ms. Harpauer:** — Thank you very much.

**The Chair:** — Thank you. If there are no further questions or comments . . . Seeing none, we will proceed to vote on the clauses. Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 5 inclusive agreed to.]

**The Chair:** — Coming into force. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 17, *The Child Care Amendment Act, 2011*. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I would ask a member to move that report Bill No. 17, *The Child Care Amendment Act* without amendment.

**Ms. Eagles:** — I so move.

**The Chair:** — Ms. Eagles moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

**Bill No. 27 — *The Education Amendment Act, 2011/Loi de 2011 modifiant la Loi de 1995 sur l'éducation***

**Clause 1**

**The Chair:** — Next on our agenda is Bill No. 27, *The Education Amendment Act, 2011*. This is a bilingual Bill. We'll now consider clause 1, short title. Madam Minister, have you any opening remarks?

**Hon. Ms. Harpauer:** — I do not, Mr. Chair. The same ministry staff are with me as with the previous Bill.

**The Chair:** — Okay, thank you. Questions? Mr. Wotherspoon has the floor.

**Mr. Wotherspoon:** — Just a question to the minister with respect to Bill 27: what educational evidence did the minister or the ministry draw upon to make the, introduce the changes to this Act?

**Hon. Ms. Harpauer:** — Some of the changes to the Act have been in discussion since 2009. There are a number of changes

being made to the Act. There's 14 different changes being made to the Act in this session, and so they vary from discussions that began in 2009 and some of the changes up until the current changes that need to be made due to an election promise this past election in the fall of 2011.

**Mr. Wotherspoon:** — Did the minister consult with the education sector with respect to the change to the school year, particularly the Labour Day start?

**Hon. Ms. Harpauer:** — The consultation was with the entire electorate, every person in the province through the election.

**Mr. Wotherspoon:** — It's been fairly well stated that the educational community wasn't consulted in this change that stemmed from the promise that was put forward in the election campaign. Was the minister aware of all the consequences, you know, from that decision and opening up the Act? Was that done in the light of day, certainly, or was this seen as sort of a low-impact sort of a change without further consequences and potentially more significant change for the minister to contemplate?

**Hon. Ms. Harpauer:** — Two comments. One is some stakeholder in the education system that we too often forget — far too often forget, and one that was an influence on the decision that was made during the election of 2011 — was that of parents. Too often we forget that we also hear from parents and what they would like to see. I know that it was portrayed that it was the tourism industry that made this decision entirely, but in fact that wasn't the case. There were a number of parental concerns that were expressed that framed the reason behind this decision. Was the minister aware that it would take legislative changes? The answer is yes.

**Mr. Wotherspoon:** — Now there's a lot of work that's going on right now — many of the changes that are going to be defined by way of regulations, changes that are not known at this point in time as we consider this piece of legislation, aspects and sections that have been taken out of the Act and are now going to be placed in regulations — and I understand the minister is working through a process to make decisions around those specific aspects. Can the minister speak about what unknowns exist at this point in time to the specific aspects of the regulations that are being considered? And what range of change could parents, students, and the education sector expect?

**Hon. Ms. Harpauer:** — Sections that we are repealing and we're addressing in regulations include such provisions as school hours, holidays, vacations, and variations in the length of the school year. By moving this into regulations, it does allow for greater flexibility.

There was a meeting held by myself the end, going to say December of 2011 — and I apologize for not having the exact date — with the stakeholders, which is the Saskatchewan School Boards Association; the Saskatchewan Teachers' Federation; the League of Educational Administrators, Directors and Superintendents; and SASBO, Saskatchewan Association of School Business Officials. There is so many acronyms. And then in January again, a meeting was held with the various stakeholders.

The regulations will be reviewed and a lot of, you know, there'll be decisions made by those stakeholders as to what they would like those regulations to be.

[16:15]

**Mr. Wotherspoon:** — Does the minister have any timelines as to when those regulations will be announced and made public?

**Hon. Ms. Harpauer:** — We're hoping to have the consultation, all the input by the end of the fall of this year and then sort of some commonality, because the school divisions are going to want that information to know what's going to be in regulation to design their 2013-14 school year.

**Mr. Wotherspoon:** — So it's fair that the regulations that are being contemplated won't be made public until the fall of this year?

**Hon. Ms. Harpauer:** — The officials tell me that they hope to have them, the new regulations, passed by early fall and that it's well under way within the different stakeholder groups in reviewing them and revising and bringing forward their input.

**Mr. Wotherspoon:** — Will stakeholders have . . . When will the next update be provided to stakeholders as it relates to working drafts and some of the different input that stakeholders have provided to that process?

**Hon. Ms. Harpauer:** — The latest set of draft regulations, because it's gone back and forth, has been sent to the stakeholders on April 24th of this year. So I'm not sure . . . And my officials tell me that another draft regulations with the input so far will be ready by Justice fairly shortly.

**Mr. Wotherspoon:** — Does the minister have any sound evidence, from a policy perspective in education, to support the change as it relates to the school calendar around Labour Day?

**Hon. Ms. Harpauer:** — Sound evidence in what way?

**Mr. Wotherspoon:** — Pedagogical reasons to make change to education, make that the focus of educational change.

**Hon. Ms. Harpauer:** — Fair to say that I don't have the evidence around the end date either, which is also in legislation. What I do have is the leader of your party that said — we have this suggestion, and I quote on March 6th of this year — he said, "We have this suggestion of a start date which I think has quite broad support . . . I think practically that it does have quite wide support."

I also have another colleague of yours, who said on March 20th:

I do have to say I admire the Premier for at least putting this out in front of people. That's a very good thing because people then could vote on it if it was an issue.

He also said:

. . . at least the Premier had the courage to say, this is what our platform is. And fair enough, and he said that it's going to be an economic issue. And fair enough.

That's a good thing.

Another of your colleagues said this on April 2nd:

Now who can argue with that, Mr. Speaker? Who would have trouble with a longer summer? We in Saskatchewan of course look forward to the summer months and, you know, prolonging summer. Who could argue with that?

Well we don't so much of a problem with the substance of that. We think that it's a fair enough proposition.

So I would say there's pretty good support from your colleagues, and there has been support from parents as well.

**Mr. Wotherspoon:** — Sorry, my question wasn't . . . No, and it's a fair discussion to have. My question was, from the ministry perspective, if you have educational research that supports the change or supported making the announcement. And fair enough, if this was just an election promise as well, that's fine, and it may have its merits on that front. It's just the question is, what drove that change? Was it to improve educational outcomes for students or was it other feedback? The minister referenced some feedback that she had heard around some desired change on this front. So just looking for clarification.

**Hon. Ms. Harpauer:** — I will say again that it's feedback from parents as well as there was — and well-known — issues raised by the tourism industry. There was issues raised by the parents.

We have a school year of 197 days. I do not think that there's ever been a study of whether that 197 days started five days earlier or later made a significant student achievement difference with a five day . . . approximately a two-to-five-day difference from one year to the next. I don't believe there's even been a study on something like that.

**Mr. Wotherspoon:** — No. Thank you. Just wanted to clarify what was driving the decisions of the priorities of your government with its changes in education.

Has there been anything identified because in general I think that there's not a whole lot of concern by many around the change on the Labour Day in the broader community. There are some different questions that have emerged around how to get that proper professional development time in for, say, educators. Well maybe that's being worked out in regulations right now and processes on that front. But just, I guess, clarifying specifically what, you know, some of the considerations on this change.

Has there been anything shared as far as evidence or concern around sort of the most vulnerable in our province and those students that maybe significantly benefit from some structure by way of education and prolonging that time away from school? Has there been any sharing there? And has the minister considered any sorts of supports on that front?

**Hon. Ms. Harpauer:** — As I'm sure you're well aware, each and every school division decides their calendars. And so there's quite a variance quite frankly from one school division to another as to what that calendar looks like. Again if there was

significant, significant difference in how long the summer break would be, I think there could be some concerns raised. This is not going to create significant increases quite frankly in the summer break, and it's not unique to Canada. British Columbia, Manitoba, and Ontario all start their school year after the Labour Day weekend, and one could argue that Ontario, when it comes to the standardized testing in Canada, is the highest score.

**Mr. Wotherspoon:** — Sorry, you highlighted Ontario on that front? Is the minister suggesting that from the standardized testing results or because of the change in the calendar year there? Or I would hope the minister feels there's other aspects that are driving educational performance in Ontario. I'll just leave that. Of course there's many, many, many aspects that are driving student performance in our jurisdiction and in other jurisdictions. And I don't think it's the calendar year in Ontario that's driven that outcome.

Question to the minister as it relates to the school day specifically. I know it's part of the considerations in the regulations. What's the minister contemplating right now, and what's the range of possibilities to what that school day may look like for students and then also for educators?

**Hon. Ms. Harpauer:** — Specifically I'm not contemplating anything at all, but I am very aware of the differences from one school division to another. We have some areas in the province where they have a four-day school week and not a five-day school week, so of course that calls for different hours. I know that the parents and the educators are quite supportive of that four-day school week. We have differences in the length of time for a noon break from one school division to another, and we have differences in when the day starts, when the day ends from one school division to another and sometimes within school divisions. It's not even necessarily from one school division to another.

**Mr. Wotherspoon:** — Will the minister be maintaining flexibility and autonomy to school boards and divisions on that front?

**Hon. Ms. Harpauer:** — Absolutely.

**Mr. Wotherspoon:** — What can the minister tell me about as it relates to the discussion around, I understand there's a discussion going on around instructional time right now. I think we'd be better served, frankly, to be talking about the quality of that engagement and how we can support and enable this practice on those fronts, but I understand it's focused more around instructional time and counting the number of hours in curricular areas. Where's the minister at on this front, and what's the range of considerations right now within that, the working through of those regulations?

**Hon. Ms. Harpauer:** — I'm looking forward to the input from the different stakeholders. There has been a request, and I see some merit to defining what instructional hours are. The request came from LEADS [League of Educational Administrators, Directors and Superintendents] and SSBA [Saskatchewan School Boards Association] that we look at defining what instructional hours are, as well as we are getting pressure from the Provincial Auditor. And I'm sure the member opposite has

seen the Provincial Auditor's report on October 25th of 2011 saying that we're lacking, quite frankly, in a definition of instructional time. So that's to address that gap that's been identified that we really don't define it.

**Mr. Wotherspoon:** — No, that's fair. And I think defining that instructional time is important. The question is: is that going to be based with sound educational evidence in making that decision and in the best interests of students? And certainly that's I think the uncertainty that exists right now, if you will, as to how that decision will be made and what's the range of possibilities. Does the minister have any clarity on these fronts right now by way of instructional time? And I know it gets into as well how you define academic or the academic year and some of these other areas. It also fits into curriculum requirements, hours of instruction in each . . . I guess what are the possibilities that are being considered right now, and have any decisions been made on any one of these fronts?

**Hon. Ms. Harpauer:** — No decisions have been made at this point in time. There have been suggestions obviously by the stakeholders. And that's another interesting outcome that came with the consultation that we did in the math curriculum where some of the teachers expressed concern that there wasn't enough hours that were allocated to teaching the math curriculum.

So I do think that the timing is right to have those discussions and looking at, as you said, educational evidence of, you know, what is instructional time, and how much instructional time will support better student achievement.

**Mr. Wotherspoon:** — The curriculum requirements right now that are laid out, would the minister feel that those are arbitrary numbers that have been laid out, or have they been laid out with purpose? Because we're falling short of the, I guess, the hours of instruction, depending on how you define and measure this. So just looking to the minister, I guess, some of the curricular requirements that are in place, what changes specifically is she contemplating?

**Hon. Ms. Harpauer:** — Again I know you're aware that the curriculum that we use is designed through a protocol agreement and that we have some consistencies in Western Canada. So we'll be looking at what is best practices, you know, what is demonstrating to show the best results and what has the best supports.

**Mr. Wotherspoon:** — Is the minister making the quality of engagement a focus as well through this, or is the lens more specific to kind of quantifying these time aspects?

[16:30]

**Hon. Ms. Harpauer:** — I'm not sure what the question is. Are we looking at the times in curriculum? I'm not sure what your question is going.

**Mr. Wotherspoon:** — Is it defined? Sometimes it seems that it's maybe narrowly defined around instructional time and how we're measuring that. Is there also a broader discussion going on at the ministry right now, looking at how we really do enable better student outcomes, stronger achievement, and how we

look at . . . Because it's not just the hours that a student's in a classroom. It's about the quality of that engagement and that opportunity that that student is provided.

So that's a broader discussion I think gets at some of the larger barriers and challenges and opportunities that exist in education. And really just measuring, if that's all we're doing, just measuring hours of instruction . . . And I think that that would be a discussion that wouldn't serve as well as it could if we were talking about, in a broader sense, a quality of engagement and what tools, what supports are required on that front.

**Hon. Ms. Harpauer:** — You're absolutely correct. We are in total agreement. It is quality and quantity with a large emphasis on the quality. You could have double the instructional hours, but if the instruction's really crappy, it's not going to achieve what you want it to do.

So I have spoken to all the stakeholder groups and expressed that there has been a focus in the past on curriculum renewal. That is not going to continue at the pace that it has because our focus needs to go to improving student outcomes, and that will take, I think, a lot of working together in partnerships on what that looks like and what supports are necessary to help support that improved achievement. You know, we spoke earlier on how we have allocated \$4.3 million for specific programming to First Nations and Métis education, but it's going to be more than just that. So yes, I think we totally agree that we need to, we need to ensure that there are supports to help meet our goal of improved student achievements.

**Mr. Wotherspoon:** — Well I know that there's a lot of uncertainty that exists right now. Certainly we're, you know, what we're certain of right now are some of the aspects that were committed to in the election, but the uncertainty that exists by way of the changes to regulation is, you know, sort of looms large for parents and for students and for teachers and for the sector as a whole. So I just offer to the minister that I hope that process continues in good faith with full consultation with all stakeholders that are impacted by decisions in that the number one goal out of making these decisions is to enhance and support educational excellence in the best . . . prioritizing that for students in making those improvements.

But at this point in time, because the regulations, there's so much uncertainty there, certainly I look forward to that discussion as it emerges. And I wish the minister well in working with the sector to arrive at something that's in the best interests of students.

**Hon. Ms. Harpauer:** — Thank you.

**The Chair:** — If there are no further questions, we will proceed with the voting on the clauses. Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 46 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 27, *The Education Amendment Act, 2011*. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I would ask a member to move that we report Bill 27, *The Education Amendment Act* without amendments.

**Mr. Lawrence:** — I so move.

**The Chair:** — Thank you, Mr. Lawrence. And that concludes that Bill.

### **Bill No. 28 — *The Education Consequential Amendments Act, 2011***

#### **Clause 1**

**The Chair:** — And the last Bill on the agenda for the afternoon is Bill No. 28, *The Education Consequential Amendments Act, 2011*. We'll now consider clause 1, short title. Madam Minister, have you any opening remarks?

**Hon. Ms. Harpauer:** — Thank you, Mr. Chair. Again I would just like to state that I have the same officials with me as I did for the previous two Bills.

**The Chair:** — Questions? Mr. Wotherspoon.

**Mr. Wotherspoon:** — If the minister can just be specific as to what practical changes for school boards exist with this Act.

**Hon. Ms. Harpauer:** — Well in essence this Act makes changes to accommodate the previous Act that we were talking about. So this specifically will repeal the sections requiring boards of education to apply to the Saskatchewan Municipal Board for authorization to pursue application for loans.

**Mr. Wotherspoon:** — I think that that seems entirely reasonable that they wouldn't have to go through the Municipal Board on this front.

What I still highlight is, something that seems unreasonable and unaddressed, is that at a time where the provincial government controls all funding for education in the province, that we have school boards that are going out and borrowing at a higher interest rate than the rate of government. The minister — we addressed this in estimates back about a month ago at this committee table — the minister had shared that she was going to examine this item and look if there was a way to address what right now puts boards in a position to borrow at a higher rate, only to be repaid by government and needlessly utilizes dollars that could be used for further construction or educational program or debt repayment, name your priority. So I'm just looking to the minister to see if there's been some follow-up on this file.

**Hon. Ms. Harpauer:** — I just want to stress for clarification, this isn't a change in policy of the past number of years, including the practice of the previous government. What we

have done is removed the ability of boards of education to issue debentures and establish sinking funds related to borrowing. And the reason why is because they weren't utilizing that method of borrowing.

Historically school divisions have always funded a share of their capital projects. We've made that a fair balance because again that was different from one school division to another. So we have changed policy so that the share that school divisions are responsible for is 35 per cent for all school divisions, not just some. But historically they used a variety of methods to do so, and one of those was traditional lenders.

I would say the change that's happened, and not by this legislation, the change that has simply happened through policy and change in funding is that the payee of the borrowing cost has changed. So previously the payee was the property owners, so a certain sector of taxpayers had to pay for the financing costs. Now it is . . . the General Revenue Fund are all taxpayers in Saskatchewan.

What I alluded to when we had discussion on this was that going forward there's a number of changes, of course, we have implemented in the funding of education that has been significant changes and long time in coming. Is it something that we will look to in years to come? Probably. I mean this is evolving. Am I looking to what we're going to change next week? No.

**Mr. Wotherspoon:** — We've gone over this discussion a few times at this table and in other forums. I guess I would just continue to urge the minister to look at ways of being most efficient and effective in its funding of education capital, and certainly that doesn't include having school boards borrowing at a higher interest rate and then simply using tax dollars to pay for that higher interest rate. Government certainly can take a lead on this front and has the lowest cost of borrowing, lowest cost of financing that capital.

[16:45]

And I've highlighted before, you know, as we go forward, this does have significant ramifications for taxpayers when you look at school boards going out and borrowing their percentage of capital projects at a higher rate and then that being paid off by the taxpayer needlessly at that higher rate.

So it is an important area. I would continue to urge the minister to review and to act and make changes. I've heard that that's not something on the immediate horizon. I think it's something that's important, and I think it's best use of public dollars as well, providing some savings on that front that could be reallocated to other priorities. But I think I'm on the record solidly on that, and I know the minister's heard some of that as well and referenced that it will be analyzed at some point on an ongoing basis or as we move forward. At this point in time, I don't have any other questions for Bill 28.

**The Chair:** — Thank you very much. If there are no other further questions, we'll proceed with the vote on the clauses. Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[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: Bill No. 28, *The Education Consequential Amendments Act, 2011*. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I would ask a member to move that we report Bill No. 28, *The Education Consequential Amendments Act* without amendment.

**Mr. Merriman:** — I so move.

**The Chair:** — Mr. Merriman moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I believe that closes our work and, Madam Minister, if you have any closing remarks.

**Hon. Ms. Harpauer:** — Yes, thank you, Mr. Chair. I want to thank all of the officials for being here with us in committee today. I want to thank all of the committee members for their time in the deliberations on these very important pieces of legislation as well as the official opposition for their questions and interest in the legislation.

**Mr. Wotherspoon:** — Just provide a thank you to the minister and certainly to ministry officials for taking the time with us here this afternoon.

**The Chair:** — All right, thank you. Being the work is done, we are now in recess until 7 o'clock this evening.

[The committee recessed from 16:48 until 19:00.]

**The Chair:** — Thank you very much and welcome to this evening's committee. This evening the committee will resume its consideration of estimates for the Ministry of Social Services, followed by a consideration of estimates for Labour Relations and Workplace Safety. As always, Minister, please introduce yourself and your officials, and have them all announce their names for Hansard.

### General Revenue Fund Social Services Vote 36

#### Subvote (SS01)

**The Chair:** — We will now resume our consideration of vote 36, Social Services, central management and services, subvote (SS01). The minister's opening remarks, and introduce your officials.

**Hon. Ms. Draude:** — Thank you, Mr. Chair. I'm going to introduce the officials I have with me this evening. I have Ken



Acton who is the deputy minister of Social Services. Louise Greenberg is the associate deputy minister of child and family services. Alan Syhlonyk is the assistant deputy minister of corporate services. Andrea Brittin is the executive director of child and family service delivery. Natalie Huber is the executive director of child and family services, program and service design. Wayne Phaneuf is the executive director of child and family community services, and Miriam Myers is the executive director of corporate services, finance and administration.

Mr. Chair, I made a number of opening comments at the last two or three times I've had the chance to get together, so I'm going to ask if the member has some questions. We can go right into questions. Thank you.

**The Chair:** — Thank you. And I understand that Mr. Belanger will be asking questions, so you have the floor.

**Mr. Belanger:** — Thank you very much, Mr. Chairman. I just want to quickly touch base on some of the items I'm going to be speaking about, just so the staff can basically get ready I guess. The areas that I want to give a discussion on first of all would be on the ICFS [Indian Child and Family Services] agreements; following that, the foster families update; and of course to deal with some of the housing matters. I'm not sure if Sask Housing officials are here today, or is that a separate item from the department or is it the same portfolio?

**Hon. Ms. Draude:** — Thank you to the member. No, the member Chartier and I had agreed that tonight we'd be bringing in officials for child and family services, so that's the officials I have with me this evening. So housing officials aren't with us this evening.

**Mr. Belanger:** — One of the things I wanted to point out at the outset is that it's always been a view that I've shared, it's fairly consistent with what I think a lot of First Nations and Métis people and leaders have expressed over time, and I know there's a lot more movement on the First Nations file as there would be or as opposed to the Métis file, in terms of having the ICFS, the Indian Child and Family Services agreements that are in place. And maybe just to update some of the listeners that may be tuning in this evening because there are a few communities aware that we're having Social Services discussions this evening.

But maybe quickly if you can, Madam Minister, is to basically give us a quick rundown of how many agreements are out there and where some of them are, if you can get a snapshot of that program.

**Hon. Ms. Draude:** — Thank you very much. I do appreciate the opportunity to speak about with the First Nations and Métis members in our community and in the province.

We know that a number, a large majority of the children that we have in care are First Nations or Métis. And we've made a special effort to make sure that the memorandums of understanding in the agreements that we've signed with a number of tribal councils and the FSIN [Federation of Saskatchewan Indian Nations] and the MNS [Métis Nation of Saskatchewan] gives us an opportunity to have their voice in discussions we're having.

I think the most important file that we're looking at today is our child and youth agenda. And we had the opportunities to have their signatures and have a number of meetings about that.

I'm going to ask Louise to follow up. But I know that the member from Athabasca has been listening to the issues in his constituency and knows that there are many opportunities for change, and that's what we've been addressing through the child and youth agenda. We have made some significant differences, and I'm always pleased to have his input. But I'm going to ask Louise if she will give us an understanding of some of agreements we have in place.

**Ms. Greenberg:** — I'm Louise Greenberg, associate deputy minister. I'm going to give just some basic information on the number of agreements we have, and I'll talk a little bit about our agreement with Athabasca and La Ronge.

We have 17 First Nation agreements; 15 of them use a new standard reporting. In our agreements we require a number of items, and this pertains to our new standard agreements. There's a number of things, including monthly reporting of children in care on-reserve. We have annual reporting that provides information on staff, their financial audit, how they're insured, audits that are done by INAC [Indian and Northern Affairs Canada], and also the audits that are conducted by the ministry, which is once every three years with every First Nation agency.

We have our own staff, dedicated staff, in the ministry. We have five staff that work with agencies on the development and completion of plans, including those that are identified in the audit plans. We also work with First Nation agencies doing on-site training. We also work with them through the First Nations Institute in a number of areas where training can be provided for both First Nation agency staff and ourselves.

Pertaining specifically to the Athabasca agency, we have an agreement that we signed this year with Athabasca agency to provide service both on- and off-reserve to those families requiring child welfare and protection. We also have an agreement with La Ronge child and family services agency to provide after-hours service both on- and off-reserve.

**Mr. Belanger:** — Now there's no question that, while my comments are going to be focused on First Nations and Métis, I don't want to diminish the non-Aboriginal children in care because they are part of the challenge that we all have to work to try and address, of course. But I want to address the Aboriginal, particularly the Aboriginal file, because the vast or a large percentage of the children in care are of First Nations and Métis ancestry.

So I guess I'm trying to put my thinking cap on to say that, from the perspective of the First Nations and Métis people, I know they have some very good people, very good programs, and they're gradually taking more and more of an active role in trying to provide those support mechanisms for those families in crisis. I think, you know, that certainly goes without saying. But I guess the question I would have is that, are we going far enough in terms of what the training, what the resources — I'm talking about the financial support — the counselling with the families? Because obviously if you're going to address the system, we have to address the whole system, not just bits and

parts of it.

And that being said, these agreements that we have with these First Nations, I'll go on that angle first. Is there corresponding federal funding with these agreements? Because obviously the children in care under First Nations control would be federal funding, is that correct? And we just simply complement some of our agreements financially with the current agency; is that how that works?

**Ms. Greenberg:** — The federal government funds children that are on-reserve. They do have their own separate agreement. And we fund children that have come from off-reserve to on-reserve. To make it simpler, where the child has originated, that determines who the funder is. So if the child originated on-reserve, the federal government will fund that child. If the child that's on-reserve moves off-reserve, the federal government will still continue to fund that child. If the child first started off off-reserve and the province would have been providing for that child, and the child and its family, if it's been extended family or foster family, if they move on-reserve, the province will continue to fund that child.

**Mr. Belanger:** — All right. And that's very valuable information because obviously the question I would have next is that, like do you have a per-youth or per-child rate that you would fund a certain agreement? Like say for example, Thunderchild First Nations, if they have 7 or 10 or 15 per cent of the families that they support coming off-reserve, is there a percentage of the money that you would direct finance them, based on the numbers that they get from the off-reserve children in care?

**Ms. Greenberg:** — There are different ways we fund. There's the funding that's provided for being in foster care or being extended family. And these are rates, the rates are no different that's being provided if the child is off-reserve to the child that has gone on-reserve. So we don't distinguish in our rates if they're going from off to on-reserve.

We do have some other programs that we also fund that we work with First Nation agencies, and these include Family Finders. And we have agreements with a number of First Nation agencies, and they work to find extended families for children, so they can live with extended families. So those are a separate agreement. Our agreements that we have with them, they cover off some administration costs. It'd cover also staffing costs under our Family Finders.

We also provide money to the First Nations Institute, and that's an institute that has a board, and they've been created to provide training for First Nation agencies. They are funded by the province, I believe it's \$300,000. And also the federal government provides funding to the institute also to conduct a number of things.

**Mr. Belanger:** — Now in terms of the — and I hate to use this phrase — but the per-child rate, who sets that? Is it the federal government that sets the rate and we simply follow? Or do we set the rate, and then the national government follows? And if that, well, whoever it might be, how do we stack up against other jurisdictions? Like is there are other provinces that pay more, or is there different agreements with the federal

government from other jurisdictions?

**Ms. Greenberg:** — We, in the province, we set the provincial rate, and INAC pays our provincial rate.

**Mr. Belanger:** — And the other provinces, are the rates the same? Or like how does our rate stack up with the rest of the country?

**Ms. Greenberg:** — It's comparable to other provinces, and in some cases it's more than what some other provinces pay.

**Mr. Belanger:** — Now obviously I would assume, and correct me if I'm wrong, but many of the First Nations are probably asking for or alluding to grander plans and of course greater costs and a much more robust opportunity, I guess, to bring different programs to the ICFS agreements now. Has that been a consistent theme from them? Have they been asking for more of a vision attached to these kind of agreements, and thus more money?

[19:15]

**Hon. Ms. Draude:** — Thank you to the member. And I'm sure that Louise will give you some more detailed information. But really with the child and youth agenda and the agreements we sign between the MNS [Métis Nation of Saskatchewan] and the FSIN [Federation of Saskatchewan Indian Nations] was talking about more than just welfare system. Part of what we're doing is changes to the welfare system so that we can, instead of apprehending children we can support families. And that meant that in the last year we invested \$74 million into the child and youth agenda. But part of that is also addressing the education and employment gaps of First Nations and Métis and addressing things like the autism and FAS [fetal alcohol syndrome] strategy as well to ensure that we do more than just look at children on the system and think about their future and where we can go to and how we can change the futures.

So the dreams that we have as a ministry and as government, along with the First Nations and the Métis leadership . . . have talked about a real significant change because if you do what you've always done then you get what you've always got. And we need to change that. The opportunities that we have now in the province include having a really vibrant First Nations involvement and I'm excited about this opportunity to ensure that we can help build a brighter future. So, Louise, if you have further information.

**Ms. Greenberg:** — What I was going to say, we've done some work this year through funding that the minister talked about, through the children and youth agenda. We have entered an agreement with several First Nation agencies for them to start to conduct home assessments, looking at potential families that could take on . . . To do extended family, you get assessed. And we have done an agreement with several First Nation agencies — three of them — to do home assessments, visitation, and supervision. When the minister was talking about work that we've been doing, we are waiting for some framework material to come both from First Nations and Métis people on some of their ideas for the go-forward for how the child welfare system should be transformed.

**Mr. Belanger:** — Now are children in care, are the numbers increasing?

**Hon. Ms. Draude:** — I am going to ask Louise to give the exact numbers but I know that the number of child welfare cases are down 15 per cent in the last two and a half years. The numbers had been increasing in previous years but we know that every month, and it's a stat that I watch very carefully because it's important to me.

I've talked about ensuring that children are with, if they can't be with family, their biological family, then they should be with extended family. So not only are we watching the child caseloads; we're also watching the PSIs [person of sufficient interest] so that a number of children are going with extended family. And that really is the agreement that we signed and the change to the child welfare system. It is not apprehension; it's supporting families. It doesn't happen overnight, but it's an important goal of the ministry is to ensure that we can keep children with the people that love them, and every caseworker that we have is working hard to ensure that happens.

Louise, if you can give some further information.

**Ms. Greenberg:** — Sure. I have some numbers if you'd like to hear them. Over, as the minister talked about, over the past number of years the number of children coming into care has decreased while the number of children going into care with extended family has increased.

So if we compare some of the numbers right now as of March 2012 — these haven't been published yet — we've got 4,591. And if we look back to December 31st or even December 31st, 2008, it was 4,814. So there has been a decrease. If you look at the number of children in care for March 31st, 2012, it's 2,964. Again we've seen a decrease by almost 600 since December 31st, 2008. Number of children though living with extended families — we call them non-wards — March 31st this year, it's 1,627. And that's gone up. If I compare to December 31st, 2008, that's gone up by almost 400 children. Number of children on-reserve, we only get those figures annually, so I only have those numbers for 2011. And those numbers have been actually quite consistent for number of children in care on-reserve.

**Mr. Belanger:** — Okay. I've just got a couple more questions and then I'll turn it over to my most able and capable colleague.

But I just wanted to make the argument that under the Children's Advocate, the phrase that he used was minimal improvement, which is not something that you want to rest our laurels on, so to speak, as a province. Because this is important to the whole province of course. That's the purpose of my asking about more robust agreements, grander vision attached to the ICFS.

And of course we haven't even dwelled or spoke about the Métis Nation agreements. Now I'm not sure if you would form those agreements with the Métis Nation itself because right now the Métis Nation's in transition. We hear there's supposed to be an election. Now there's a delay in the election. We're not sure what's happening with the provincial Métis council. But that being said, the Métis agreements I think are something that we

should aggressively seek, much to the same or on par with what the First Nations have now. Granted the First Nations have better capacity, but the Métis issue is still out there as well.

So from the perspective of my last question, what plans does your ministry have to do the corresponding effort on the Métis file, so to speak? Because we think that there's going to be grander plans and grander ideas for what is necessary to turn the corner on this particular file, and we need to have both the First Nations and the Métis organizations heavily involved. So we hear what the First Nations are doing. What are the Métis going to do?

**Hon. Ms. Draude:** — Thank you to the member for that very important question and of course I've had some very great conversations with some of the Métis leaders and the Métis Nation. I understand that there's some political uncertainty, and for me that's really not what I focus on. I'm focusing on the children.

And I am really happy to say that the Métis leaders that I'm talking to outside of the politics, and that's beyond what the children think about, the children and their parents, I'm really happy with the work we do, like with CUMFI [Central Urban Métis Federation Inc.] in Saskatoon. Shirley Isbister is absolutely fabulous in the work that she's doing. And right across the province we have Métis leaders, locals and individual leaders who talk to me about the work that's happening. I have nothing but the greatest respect for the work that they've been doing with us, and ensuring that in the very last meeting I had with some of the leaders, they have identified that some of the work that we are doing is making a difference.

So besides CUMFI, I can't talk about any of the other agreements, but of course the work we're doing with the Métis children is equally as important as the work that we're doing with the First Nations children and the children outside of those two areas. I don't want to put anybody into a file or a stat because overall we need all of our children. So Louise, if there's anyone besides the CUMFI agreement we should talk about?

**Ms. Greenberg:** — CUMFI is the main Métis organization that we work with, but we also work with Métis community and family justice services based out of Saskatoon, and we have provided funding to them over the past number of years to work in the area of child welfare.

**The Chair:** — Thank you very much. And I understand that Ms. Chartier will be now asking questions. You have the floor.

**Ms. Chartier:** — Thank you, Mr. Chair. My first question is around the Saskatchewan employment supplement, which we talked about last time, and in particular one case that I had the opportunity to forward and you were working with the individual who I'd mentioned who was just over the rate or just over the threshold to receive benefits. And it wasn't the actual employment supplement that was the real support for her, her and her family, it was the employment health benefits.

So I'm just wondering, not specifically about her case, but this is a family who was marginally, \$25 about, over the employment supplement threshold. And she was told, after

dealing with both her MLA [Member of the Legislative Assembly] here in Regina and then the minister's office, that there nothing that could be done for her or her family. And then obviously we raised it in estimates and then I was able to forward the case to the minister again, and the suggestion was that she needed to apply for supplementary health benefits.

So I'm just wondering when . . . Bear with me here.

**Hon. Ms. Draude:** — If I could just interrupt the member. When we left last time I had asked whether we were going to be talking about the disability file or whether we're going to be talking about child and family services, and the email I received said that you wanted me to bring the officials from child and family services, so I don't have the officials here tonight from the other files, from the other part of the ministry.

I was really pleased with this email where you said, I don't want you to bring too many officials, so we'll go with child and family services. So that's who I brought tonight. So this file is something that we can talk about. Also, to bring up individual files is difficult because unless I have a signed confidentiality agreement. It's something to . . . I'm always concerned about breaking those rules as well. So I appreciate that the member is very concerned about individuals, as I am, so please we can talk sidebar about them and I will make sure that my officials have contacted you on files.

**Ms. Chartier:** — Actually this isn't an individual case here. This was an individual case, but this is again about the global policy here.

**Hon. Ms. Draude:** — It's not about child and family services?

**Ms. Chartier:** — Could your deputy minister perhaps help? I'm just wondering around . . . I'd like to get this question on the record actually, possibly then. I'm wondering around how often . . . So this person had no resolve coming to her MLA and then coming to the minister's office and then came to us and then I spoke with you.

So I'm just wondering about the connection between . . . If you can't, if you no longer qualify for something like the employment supplement, is there that connection in the ministry to make sure people do apply for things like supplementary health benefits? I think that that's the big concern here is that there was no one telling this woman and her family that, you have the opportunity. You're not eligible for the employment supplement, and you're not going to get the family health benefits. And that's it. That's your last course of action. But in fact there was another course of action which was the supplementary health benefits.

So I'm just wondering what mechanisms are there within the department to make sure that when you do run up against a roadblock, that you are pointed to the other ministry. Obviously it's the Ministry of Health that's responsible for this. So we have some lack of continuity of service here.

**Hon. Ms. Draude:** — Thank you. Thank you very much, Ms. Chartier. And although we don't have the officials, the deputy minister is quite willing to make a statement on the big picture. Because you're right. Our goal is to make sure that everyone

can receive all the programming that's possible when we are dealing with families. So Ken, if you can give some details about how we actually deal with the individual families when they would move from one program to another.

**Mr. Acton:** — Yes. Ken Acton, deputy minister. You're right. It's important for us to stay focused on the client and make sure that we don't let boundaries between ministries prevent us from delivering services. And we try to do our very best in that. I think sometimes we do better than others, obviously.

In this case, you know, we did connect the individual back through to the other ministry to make sure that the individual was aware of the benefits and how to apply for them and how to get them addressed. And we try to do that in every case. And it's just a matter of continuing to make sure our front-line staff are always aware of that and they make sure that we don't miss somebody. But our focus is really around client service and focusing on our clients. And we continue to work with our staff on that area to make sure that they never lose sight of that.

**Ms. Chartier:** — I appreciate you taking the time to answer, but I am just conveying for you, and I know the minister likes to hear when there are shortfalls in the system. And this is a shortfall, that someone was told by both her MLA and by the minister's office that there was nothing more that could be done for her and her family.

And I'm not sure yet. She had just applied for the supplementary health benefits, so there still might not be anything. They may be over the limit for that, but we'll find out.

But I think the bottom line is obviously this doesn't relate directly to the child and youth agenda, but that seamlessness or that stovepiping that happens in government, I think continues to happen. And there's a family who really feels like they're struggling and came up against a brick wall, and the only reason that they know about supplementary health benefits is because I raised it here afterwards, and despite the fact it had been raised with the minister's office and her MLA previously. So I think just being aware that these are, with respect to front-line services, that the message isn't always getting delivered.

[19:30]

**Mr. Acton:** — Thank you. Thank you very much. You know, it's important to me and to the staff in the ministry that we make sure we make those connections, and this has been an example that we can use within our ministry in terms of training and keeping people informed. And we'll strive to make sure that we stay focused on our clients. Thanks for bringing it up.

**Ms. Chartier:** — Thank you. I appreciate that. Going on to some questions around children's special allowances, which I've asked many questions, both in the House and in here and in written questions, which I know I have some written questions in the works here. But I thought that since we had the opportunity to get together here tonight that I would just ask some of them here.

So with respect to child special allowances, I may completely not be understanding things here again. I need some help to understand what's going on here; with child and special

allowances, I just want to clarify. So I know in the past when families applied for child tax benefits, disability benefits, and the universal child care benefit, it was for the child tax benefit based on income. I am well aware that it was based on income when a family applied for it, so that amount could have varied. But now that the ministry is applying on behalf of families, is the ministry in fact, per child when they apply, receiving \$298.50 for the child tax benefit?

**Ms. Greenberg:** — Yes. Yes.

**Ms. Chartier:** — Okay. So you apply for it for a child and that's the amount that you're getting per child?

**Ms. Greenberg:** — Yes.

**Ms. Chartier:** — With respect to the child disability benefit, are you receiving currently, when a child is eligible and meets the criteria of disability, are you receiving the \$214.58, like that amount?

**Ms. Greenberg:** — We have \$208.67.

**Ms. Chartier:** — Okay, that was last year. The '11-12 paper has 214.58.

**Ms. Greenberg:** — So the answer is yes.

**Ms. Chartier:** — Okay. And you're also receiving when a child is under six. So you apply for a child living with a person of sufficient interest. You apply for a child for the universal tax, it would have been the universal tax benefit if a family was receiving that, but obviously it has a different name because it's going to the ministry. But if a child is under six, you would receive \$100 supplement for that child.

**Ms. Greenberg:** — Yes we would, but I'll put a preface. If they are receiving daycare, if they're being provided with funding for daycare, already we'd be providing funding for them for daycare, but that would have been already funding they would have been receiving.

**Ms. Chartier:** — Okay.

**Ms. Greenberg:** — That would have been funding we would have received. They will receive the universal — I'll put it another way — they'll receive the universal child care benefit. They will receive that, but I needed to preface because some are already receiving, are being covered for daycare costs.

**Ms. Chartier:** — Okay, but you are receiving from the federal government. So the family might not receive it, but you are receiving from the federal government \$100.

**Ms. Greenberg:** — Yes.

**Ms. Chartier:** — Okay, okay.

**Mr. Acton:** — If I may?

**Ms. Chartier:** — Yes, certainly.

**Mr. Acton:** — I'm assuming you're going to . . . So how much

money do we think we're going to get if I . . .

**Ms. Chartier:** — I just wanted to clarify those first and . . . Yes.

**Mr. Acton:** — So based on those numbers — the 290, the 100, and the 214 and change, whatever that is — as of January 31st we had 2,219 children that were eligible. And of course this number changes certainly weekly, so it varies. But based on those numbers, we anticipate or have budgeted receiving \$8.4 million from the federal government.

**Ms. Chartier:** — I think my point is the money is . . . Okay. And help me out here too. So the difference between . . . So obviously I know the letter that the minister sent out in January regarding the changes to children's special allowances, just assuring people that they won't experience financial hardship, talked about the increase to the rates that foster families now receive whether they're in the southern or northern area.

I'm wondering what the difference — I'm sorry, I don't have the form in front of me — but what would the difference be, say, actually for both the southern and the northern rates between what they receive now as foster care, the same rates as foster care families, and what they received prior to the increased rates.

Okay, so I'm . . . too many words, Danielle, way too many words.

**Hon. Ms. Draude:** — I'm going to ask the member to start again and tell me what information you'd really like.

**Ms. Chartier:** — Brevity is not my strong suit, I have to confess.

**Hon. Ms. Draude:** — Okay, try again.

**Ms. Chartier:** — Okay. So the difference between what a family would have received from the provincial government before these changes, before you started giving them foster family rates.

**Mr. Acton:** — Sorry, I couldn't read my own chart.

**Ms. Chartier:** — My question was as clear as mud, so, sorry.

**Mr. Acton:** — So in terms of the South, for children from zero to five, the old rate was \$427. The new rate that we are paying is 628. And then of course there's a number of special allowances that may apply, depending on specific situations. But just the basic rate went from 427 to 628. In the North, from 482 to 665.

**Ms. Chartier:** — To 665?

**Mr. Acton:** — Right. Now the rates change for the age group from ages 6 to 11 . . . well actually it didn't. The old rate was still 427 in the South, 482 in the North. The current rate is 659, and 743 in the North.

**Ms. Chartier:** — Sorry. Would you mind repeating that? The current rate for 6 to 11 in the North, the old rate was . . .

**Mr. Acton:** — In the North, the old rate for ages 6 to 11 was 482, and the new rate is 743.

**Ms. Chartier:** — 743. Okay. Perfect. Thank you. So obviously one of my concerns here is that, and I haven't done the calculations here, but the difference between the old rates and the new rates are, for example in the South, the old rate going from 427 to 482, but the ministry is now receiving money directly for these children. So bare minimum, the ministry would be receiving 298.50. So do you see . . . Okay.

**Mr. Acton:** — All right. It's okay.

**Ms. Chartier:** — Do you see what . . . So we'll stick with one example here. In the South, the old rate, 427; the new rate, 482 and . . .

**Mr. Acton:** — Excuse me. The new rate is 628.

**Ms. Chartier:** — Six . . . That's the North, is it? Okay.

**Mr. Acton:** — In the South . . .

**Ms. Chartier:** — Can I just repeat what I've got here to make sure that I've not . . . that I've written down the correct numbers then? So zero to five, the old rate was 427. The new rate is 628.

**Mr. Acton:** — Correct.

**Ms. Chartier:** — In the North, zero to five, the old rate was 482 and the new rate is 665. In the South, 6 to 11, the old rate was 427; the new rate is 482? . . . [inaudible interjection] . . . No?

**Mr. Acton:** — 659.

**Ms. Chartier:** — 659. Okay. And then in the North, 6 to 11, 482 to 743.

**Mr. Acton:** — Correct.

**Ms. Chartier:** — Okay. So for example the difference . . . I think my concern here, you've got the South. Let's use the South, 6 to 11, as an example. You've got a difference between the old rate and the new rate, \$232 if my calculation is correct here. And bare minimum, from my understanding from this conversation we've had here tonight, the minimum that the ministry would be receiving would be 289.50, the minimum. And that's not the disability benefit.

**Mr. Acton:** — So those numbers reflect only the basic rate. And then there's a number of special needs that we have, we are paying, which more than cover the balance — things like, for the child care benefit or if they have any other type of special need that the child might need. So I mean, I can't give you specific numbers but there's, in the majority of cases there would be special needs payments as well as that basic need.

**Ms. Chartier:** — Did they receive the special needs before the changes? Do you know what I mean? So obviously you've increased the rates. Did they, prior to these changes, already receive those special needs allowances?

**Hon. Ms. Draude:** — To the member, my officials are looking at more of this. And I know that it sounds like your concern is that government is taking in more money than they're paying out. Is that your concern?

**Ms. Chartier:** — Definitely.

[19:45]

**Hon. Ms. Draude:** — I can assure you that our concern — not our concern but our belief — is it's the other way around.

I just asked again now, we did another survey again this morning of all of the individuals that are working with the caseloads. We are not getting calls any more. We know very well that if people were getting less money now than they got before, they would be calling somebody. We aren't getting those calls.

Our goal is not to make money on children. Our goal is to invest money in children. We can't know until we get all the numbers in a year; we can't know until people have done their income tax. We don't know what that money would've been, and even then it fluctuates. The number of children in care changes and the number of the kids with special needs changes, and that's all based on the assessment as well.

I'm not sure why the member would believe that government would think of this as a way to make money from the federal government, because it's not. This is a way to make sure that children are given every opportunity and when we were in doubt at all, we've dealt with . . . And we had an opportunity last time we were together to talk about looking at children individually. There is no way that I would say this is a set amount, because every child is different. And I've asked the officials that work with me to check with the caseworkers, to check with individuals, to check with families. Are people still being hurt from this? We haven't had those calls.

And if the member opposite has, then I'd like to hear about them. I don't want to hear a number of lots. I don't want to hear a number of . . . I want to know specifics — not names, because we can't do that because of confidentiality. But every caseworker that we have in this province wants to make sure that our children are looked after. So we will continue to deal with this. And your job is to do exactly what you're doing, and everybody is glad of that. But I can assure you that we are looking at the different categories of money that comes in and making sure that our children that are in our care are receiving the very, very best we can give them. Louise or Ken, do you have more to add?

**Mr. Acton:** — Well just to respond to your particular question about special needs. Some of these families were receiving special needs in the past. We actually went back to them to review that, because of course the federal payment was an income-tested process. And we went back to review those files with them, to say, are you sure we've got everything? You know, are we compensating you sufficiently?

The other point that I just wanted to make was that, when we go down the age range, the spread gets greater, so like in the South, for the 12- to 15-year-olds, it increased from 427 to \$744. And

for those over 16, it went from 427 to \$840.

**Ms. Chartier:** — So say that again: 427 to . . .

**Mr. Acton:** — 840.

**Ms. Chartier:** — 840 and that's the South and that's over 16?

**Mr. Acton:** — Yes.

**Ms. Chartier:** — And do you have the northern rates as well?

**Mr. Acton:** — Well yes, sure. Over the, 16 and over in the North, 482 to 960. And the 12- to 15-year-olds, 482 in the North to 839 in the North.

**Ms. Chartier:** — Okay. Thank you for that. So just let me reiterate this or reflect it back to you to make sure that I've got them correct here. So in the South, the 12- to 15-year-olds, the old rate was 427 and the new rate is 744? And over 16 in the South, the old rate was 427 and the new rate is 840?

**Mr. Acton:** — Correct.

**Ms. Chartier:** — And in the North, 16 and over, 482. Sorry, 482. And the new rate was 960.

**Mr. Acton:** — Correct.

**Ms. Chartier:** — And then the 12 to 15, 482, to 16 and . . . Sorry.

**Mr. Acton:** — 12 to 15.

**Ms. Chartier:** — 12 to 15, 482 to 839.

**Mr. Acton:** — Correct.

**Ms. Chartier:** — Okay. Thank you for that. Back to the question around special allowances or special . . . So what are the . . . Prior to the changes, can you tell me what the special allowances were, like what are their names and have the names of the special allowances changed? Like what is possible for a family? Can you tell me what is the possibility for a family to receive in terms of special allowances?

**Hon. Ms. Draude:** — Thank you to the member. I'm going to give you a list of some of the things that might qualify, and there'll be more than this. But what our goal is is to make sure that families don't suffer because of changes that were made. But there are things like medical. There is disability. There is counselling. There is exceptional clothing needs that might be needed. There might be babysitting respite that might be needed. Can you, Louise, is there more that . . .

There's a whole category of issues when we look at children and their needs individually, and the caseworkers meet with these families to determine what is needed for them. They will see what we can do to help support a family and a child. And that is the goal. There isn't any umbrella. There isn't any cookie-cutter approach. Everybody is looked at as an individual. And I'm really pleased that we aren't seeing that people are calling in, saying that, we're left out; that there's a

change, that we're being, that there's an issue because of the change.

I have to reiterate that all of the workers that we've spoken to, and Andrea just confirmed it with me, that the caseworkers are not hearing complaints. They're not hearing concerns. They're not hearing families saying they aren't receiving as much of, and they're more receiving more than they did before.

**Ms. Chartier:** — Thanks for that. Just to clarify then. So these benefits — the medical, disability, counselling, exceptional clothing allowance, respite care — these are all benefits that were in place previous to January 31st and these changes, yes?

**Ms. Greenberg:** — Yes.

**Ms. Chartier:** — Okay, thank you. So those aren't anything over and above. I think your point, Madam Minister, around, your point that you haven't been receiving more and more phone calls, I know you've grandfathered people in after. And that's one of the questions that I have here around the grandfathering process. How do you see that working? So obviously it's been families who've called in and have pointed out a shortage will get, will be grandfathered in. But is there a cut-off day? How does that work?

**Ms. Greenberg:** — What we're doing of course is, for those that were extended caregivers prior to January 1st, 2012, these are these families that have been meeting with our staff to go over their individual cases, and those are the ones that we're looking at to see what type of financial difficulties they may be experiencing or changes that they may have in the support that they're providing.

The process of retroactive benefit adjustments for eligible families, they do require review of the documentation with the family. So the family has to bring documentation in to us because what the documentation shows is what they would have been receiving before because of all the tax benefits. And once the new payment amounts are determined, they'll receive these benefits regularly each month. And it will start effective, it starts effective actually February 2012 because that's when the feds . . . They started actually February '12, February 2012.

**Hon. Ms. Draude:** — And to the member, I know that there was a number of questions that she sent in, and the last one of the three was, how long will these grandfathered rates continue? And you'll receive these answers, but I just want to let you know that the new rates will be in effect for as long as a child remains in the home or when the child reaches the age of 18.

**Ms. Chartier:** — Sorry. When you say new rates . . . Okay. So when we talk about grandfathering — so again I'm just going to echo back what I think I understand, and please clarify if I don't — so anyone who was serving as person of sufficient interest prior to January 1st, 2012, who had used to get the money from the feds, the government has committed to going over their individual files and ensuring they remain whole with respect to the funding.

And obviously a big difference. Mr. Acton, you pointed out that obviously the older a child, there's a bigger spread. But the reality is with families with younger children, they probably

had a greater loss. The lowest income people who would have got the greatest benefit from the federal government also happen to have the youngest children, probably are the ones who took the biggest financial hit here.

So I just want to make sure that I understand the process again. I'm all over the place here. Bear with me. I'm not a linear thinker here; I'm all over the map here. So prior to January 1st, a family who feels like they have less money due to the changes, or they were persons of sufficient interest caregivers and it feels like they have less money, the ministry is going to review their files and provide the old rates that they would have gotten from the federal government.

**Ms. Greenberg:** — They're going to look at their . . . Because we don't look at their tax. They're going to bring in documentation. We're going to review to see what they were getting from the federal government. We already are providing the payments that we reviewed, the three payments, so they will be getting those. And we're going to look to see if there's any circumstances that require additional funding. But it will be on case-by-case because every case is individual. And we don't know what they may have been claiming to the federal government without reviewing their files. But the payments, they're going to remain as long as the child remains in the home, or until of course the child reaches the age of 18.

**Ms. Chartier:** — Okay. But it's still on a case-by-case basis. So if I was a PSI before January 1st, I would have to come to the ministry. There's not going to be a social worker or someone flagging this for me as an individual saying, hey, we want to make sure that you have the money that you had before.

**Ms. Greenberg:** — They are going to be getting the three which we talked about: disabilities based on needs, universal child care benefits, and the basic maintenance. But if they have continual circumstances, they need to come in and they need to discuss it with their child care worker. Because you can't sort of make a blanket payment to families because you're not too sure, because every case is different. Because it's all based on the needs of the child, and that's why we have to have the families come in and meet with their caseworkers.

**Ms. Chartier:** — When it comes to back pay or the months to sort this out, I know one of the cases that I brought to the minister, it sounds like it's been sorted out, but it hasn't. But the money hasn't started to flow. And I suspect that that's the case for several people or many. I'm not sure how many. And I asked this last time, and I know the answer was yes, but in terms of a commitment to back payment or making sure, not just as of April 1st — or I guess it's May already; May 1st or June 1st — will they also have January and February? And when will they get back or retroactive pay?

[20:00]

**Hon. Ms. Draude:** — To the member, it is retroactive pay. It will go back to February. And as for the date that they'll get it, I can't give you the date, but I assure you it will go back to February.

**Ms. Chartier:** — Is there a hope in . . . Have you laid out a possible timeline of making that happen?

**Hon. Ms. Draude:** — I would imagine the timeline is sooner the better because everyone of my caseworkers knows that they're dealing with families who are, that need the supports. So the goal of course is to do it as quickly as possible, no different than it was last year when there was a possibility there was a postal strike. And I had a number, tens and tens of people went out and hand delivered cheques because they know that people need the money. That's the type of commitment we have from the people that work in this ministry.

So to know that there is children and families who have children that have needs, the goal was to make it happen as quickly as possible. I've talked to the deputy minister about it. I know that that's his goal. I know it's the goal of every caseworker we have in the province.

**Ms. Chartier:** — I appreciate that, and I appreciate the work of those who work in Social Services for sure, and across public servants. But I know again in a case of someone, the woman who I brought forward who has six children, two PSIs, and she also serves as the alternate caregiver and has three children of her own, she is under severe stress and strain. I mean she has been short, it was \$1,200. And this impacts you on a daily basis. She feels that she might not be able to continue to care for some of the kids. The issue . . . You've committed and workers have helped her rectify this, but again I think she would feel much better knowing that by June there might be some money in place. I think timelines are important because these are people dealing with children who are fabulous and loving, but sometimes challenging and hard to parent at the best of times.

**Hon. Ms. Draude:** — To the member, I think you're bringing up and it's something that's very important, there's two issues. First of all, the onus has to be on individual of course — the adult, the supervisor, the one in charge of the children — to bring the documents that are required in in a timely manner.

And the second issue is that if the member, if the individual goes to an MLA or somebody's office, there has to be appropriate documentation signed. I've had a number of cases brought to my attention where there was someone who wants to intervene on behalf of a child, but they haven't signed the appropriate confidentiality issues. And that is also a detriment to the family that they're trying to help because you can't do it without going through the policies that may impact a child. So to the member and to all the MLAs that try and interact on behalf of children, my message to them is simply make sure that they have all the documents in place and to do it as quickly as possible so that the family is impacted as little as possible.

**Ms. Chartier:** — Okay, thank you for that. I see. That's it, yes. So I appreciate your comments and being able to get some answers. So thank you.

**Hon. Ms. Draude:** — Thank you too, to Ms. Chartier and to your colleagues, for the questions. It's very important. I know you've covered a lot of material that's important to families, and so I thank you and to all my colleagues. But most importantly, I want to thank the people that are working with me in this ministry. They are an absolutely dedicated group of people that are passionate and compassionate. I can't thank them enough. On behalf of the people of the province, thank you.



**The Chair:** — All right, thank you very much. If there are no other closing remarks, we are in recess until we resume at 8:30 with consideration of estimates for the Ministry of Labour Relations and Workplace Safety. Thank you one and all.

[The committee recessed for a period of time.]

**General Revenue Fund  
Labour Relations and Workplace Safety  
Vote 20**

**Subvote (LR01)**

**The Chair:** — Good evening, ladies and gentlemen. We will now begin our consideration of vote 20, Labour Relations and Workplace Safety. By practice the committee normally holds a general debate on central management and services, subvote (LR01).

Mr. Minister, please introduce your officials and make your opening remarks.

**Hon. Mr. Morgan:** — Thank you, Mr. Chair, and members of the committee, for this opportunity to appear before you for consideration of the 2011-2012 supplementary estimates and the 2012-2013 main estimates for the Ministry of Labour Relations and Workplace Safety.

Before I get into a brief overview of the ministry's budget, I would like to introduce the officials that we have in attendance: Mike Carr, deputy minister; Laurier Donais, executive director, central services; Glennis Bihun, executive director, occupational health and safety; Greg Tuer, executive director, labour standards; Denise Klotz, director, office of the worker's advocate; Rikki Bote, executive director, communications with the Ministry of Advanced Education, Employment and Immigration. We have a shared service arrangement with AEEI to provide communication services and is one more of the many things that we do to save money for this committee.

Also joining us today are Peter Federko, chief executive officer, Saskatchewan Workers' Compensation Board; Fred Bayer, registrar of the Labour Relations Board. And I thought Denise Batters, my chief of staff, was here but I think she's upstairs enjoying the evening by television.

Mr. Chair, this budget contains an increase in funding for the ministry of \$529,000, or 3.1 per cent over 2011-2012, which will address some past operating shortfalls in the areas of travel, salary, and information technology expenses. This will allow the ministry to maintain focus on the very important work that we do for the people of Saskatchewan.

The ministry is firmly committed to its mission of ensuring safety, healthy, and productive workplaces. This is especially important for Saskatchewan's continued economic growth and prosperity. The initiatives outlined in the ministry's plan align with this year's budget theme of *Keeping the Saskatchewan Advantage* by, firstly, fostering a competitive and productive labour environment; secondly, encouraging healthy, safe, and fair workplaces; third, ensuring that our labour policies are up to date and competitive; and finally, managing our programs and services in the most efficient and effective manner possible

to ensure the best use of public funds.

I would like to speak to some of the ministry's accomplishments over the past year. In the area of labour standards, 4,827 young workers readiness certificates were issued in 2011-2012 — 2,520 from January to March alone. This brings the total number of certificates issued since inception in February of 2010 to 9,189. This program is important training and awareness to our 14- and 15-year-old children to help them understand the workplace and the laws that govern it.

We handled 2,218 complaints from employees who felt that their employer was not following legislated labour standards appropriately. Results of the investigations totalled \$1.98 million of wages owing to employees as a result of complaints filed.

In the area of worker's advocate, we assisted workers in filing 384 appeals to the Workers' Compensation Board, and we recovered a total of \$2.09 million as a result of appeals filed by workers.

In labour relations mediation, we opened a total of 105 new case files and closed 107 case files. The work of the division is often overlooked, but it is important because it helps keep the peace in the workplace by mediating workplace disputes.

In occupational health and safety, we tabled legislation last December to strengthen *The Occupational Health and Safety Act*. Through inspections, investigations, and enforcement of workplace standards, our government is committed to eliminating workplace injuries and deaths. We've performed 4,578 inspections of workplaces to identify violations and advise on best practices. We monitored and communicated with 5,675 OH [occupational health] committees in Saskatchewan. The importance of these committees can't be overstated as they are a key component to driving safety in the workplace. The OHS [occupational health and safety] Council completed an administrative review of the OHS program to improve on the services that we already deliver. Officials are reviewing these recommendations.

We played a lead role in the development of a safety program in the public sector. In terms of our time-loss injury rate, while it has come down in recent years, it continues to be much too high. Therefore our plan continues the commitment to bring awareness and take the necessary action to drive home the message of Mission: Zero for injuries in the workplace.

We are also committed to important public education initiatives and partnership such as our collaboration with the Workers' Compensation Board, WCB, on the further development of injury prevention strategies through WorkSafe Saskatchewan.

Specifically on the 2012-2013 budget for Labour Relations and Workplace Safety, we have occupational health and safety at 7.67 million, a 229,000 or 3 per cent increase. Additional funding provided for travel to reflect the increased number of inspections being performed and information technology to allow easier communication with workplaces.

Labour standards will spend \$2.729 million to investigate

complaints filed by employees. The work of the Labour Relations Board has a budget of \$1 million. Spending to assist workplaces in resolving disputes comes in at 817,000.

Office of the worker's advocate will spend 707,000 in assisting workers with WCB appeals.

Executive and central services spending is at \$4.46 million, which is a reduction of 130,000 or 2.8 per cent, primarily as a result of the completion of the committee of review work that occurred in 2011-2012.

On the FTE [full-time equivalent] side, our ministry shows one additional FTE resulting from a correction of the 2011-2012 budget and relates to the one ministerial assistant I have dedicated in my office for the work of the ministry.

We will continue our efforts to improve service delivery in response to the needs of our clients. The ministry undertook three lean events in 2011-2012: first, in the office of the worker's advocate, processes involved with assisting workers with WCB appeals; secondly, reviewing our labour standards permitting process for varied working hours; and thirdly, reviewing our radiation safety billing and collection process.

The ministry is also undertaking a comprehensive review of labour legislation in Saskatchewan. Currently the ministry administers 15 Acts and other associated regulations in the areas of labour relations, employment standards, and occupational health and safety. The majority of these Acts have not been substantively reviewed in over 20 years, while others have not been reviewed in over two generations. The only exception is the mandated statutory review of *The Occupational Health and Safety Act*.

Reviews of legislation are critical to good governance to ensure that the laws are responsive and relevant to the people of the province. The intent of the review is: to address the changing nature of the workplace and provide flexibility to meet the needs of employees and employers; secondly, to ensure that the intent of the legislation is reflected in the current Acts; thirdly, to ensure the duties and responsibilities of all workplace partners are clear and workers are provided appropriate protections; fourthly, to ensure that the legislation is easy to use and easy to understand.

As a part of this review, the government has prepared a discussion paper to facilitate discussions on areas of interest. All stakeholders and interested parties are invited to participate in this ambitious undertaking. I thank you for the opportunity to make some opening remarks to committee members and look forward to some good discussion and questions from committee members. And I hope that my voice will continue to hold up.

**The Chair:** — Thank you. Thank you, Mr. Minister. And now I understand we have questions, and Mr. Forbes has the floor.

**Mr. Forbes:** — Thank you very much, and I appreciate the introduction. I appreciate the officials being here. And I do have some questions, and I'll start off by asking you about the increase in labour standards. The amount there has gone from about 2.4 million last year up to 2.7, so about \$250,000. And what would that be?

**Hon. Mr. Morgan:** — Mike Carr will . . .

**Mr. Carr:** — The primary purpose for that increase was to cover off cost of labour and some operating costs that needed to be picked up.

**Mr. Forbes:** — Costs of labour.

**Mr. Carr:** — The cost of our staff.

**Mr. Forbes:** — Staff, okay.

**Mr. Carr:** — So some salary costs. No additional FTEs.

**Mr. Forbes:** — No additional FTEs. Okay. So what percentage would that be? That's about — if my math is right, but it could be wrong — about 10 per cent.

**Mr. Donais:** — Laurier Donais, executive director, central services. Yes, essentially what the 269,000 increase in labour standards is 200,000 for basically a salary correction. There was some underfunding over a number of years in that division, I guess, if you will. And you can actually see that in our previous year annual report. There was a shortfall in funding there. It was to correct that. And then we also transferred the duties of the client service representative from our central services area to the labour standards division. So that was about 45,000 salary as well as operating costs. And then there was just some salary increments.

**Mr. Forbes:** — Okay. Now and the minister just alluded to, under the FTEs, that it went from 146 to 147, that that was a correction because of one ministerial assistant. Are ministerial assistants usually counted in the ministry count? Or are they not accounted in the Executive Council staff?

**Hon. Mr. Morgan:** — They would be counted as ministry.

[20:45]

**Mr. Forbes:** — So all your ministerial assistants are within the ministry?

**Hon. Mr. Morgan:** — We just have the one. And I believe we have one Justice one that's paid for by that ministry. The chief of staff and the other staff would be paid as Executive Council.

**Mr. Forbes:** — Okay. So what kind of work would they be doing that they would be coming out of the ministry staffing?

**Hon. Mr. Morgan:** — As constituency issues would come in from MLAs across the province would come in, they would gather the information and obtain a response from the ministry. They may have the ministry respond directly to the constituent, or they may have the information come back. Or it may be that something is spread across more than one ministry, and then they would send the file out or, you know, get a blended or a combined answer.

**The Chair:** — Mr. Broten has questions. You have the floor.

**Mr. Broten:** — Thank you, Mr. Chair. So if I understand correctly there, you said there is a ministerial assistant whose

salary is coming out of the budget for the ministry that we're looking at tonight, correct?

**Hon. Mr. Morgan:** — That's correct.

**Mr. Broten:** — And other ministerial assistants, their salary comes through Executive Council?

**Hon. Mr. Morgan:** — No. No, I think — I can't speak for all of them — but I think the MA's [ministerial assistant] salary would come out of the ministry. But the other staff that would be in the office, the admin assistants and chiefs of staff would be paid for by Exec Council . . . [inaudible interjection] . . . Oh, okay. I am corrected. The other costs would be paid, they're all paid for out of the ministry. But in this case, the only one that's paid for out of Labour Relations and Workplace Safety is one employee.

**Mr. Broten:** — You said all the ministerial staff is paid through Executive Council or through the ministry?

**Hon. Mr. Morgan:** — No, through the ministry.

**Mr. Broten:** — Is that the way that it occurs in other ministries throughout government?

**Mr. Donais:** — Yes, that's the way it's set up is all the ministerial assistants are paid for out of the ministry, and they're accounted for out of the ministry's budget. We have a situation where our minister handles two portfolios, so he has Justice as well as Labour Relations and Workplace Safety. So those ministerial assistants that are associated with Justice are paid out of the Ministry of Justice budget. And then Labour Relations and Workplace Safety pays for one ministerial assistant that is dedicated towards the ministry's work.

**Mr. Broten:** — Okay. So for example in Premier's estimates or in supplementary estimates, when we look at the expenditures for ministerial staff across the board, all of those salaries are coming out of specific ministries and not coming through Executive Council?

**Hon. Mr. Morgan:** — I think the Exec Council employees — and I don't know how many there are — are paid for as Exec Council. But within the minister's office, I think if I'm correct, the staff would be paid for out of the ministry.

**Mr. Broten:** — Okay. So Executive Council that operates outside of ministers' offices, those salaries come through Executive Council budget? But in . . . [inaudible interjection] . . . Does the minister wish to clarify or say something?

**Hon. Mr. Morgan:** — Yes. I've been coached now. The minister's salary comes out of Exec Council as well. Yes — hang on; I've got a note here — chief of staff and ministerial assistants including admin assistants are paid by the ministry. My chief of staff is paid for by Justice, and all other ministerial assistants and admin assistants are paid by Justice. We have one MA in the office who is paid for by Labour Relations.

**Mr. Broten:** — Okay. I've never worked in Executive Council, so I don't know where the paycheques come from. But I always thought that the ministerial staff, that their paycheques, so to

speak, came through Executive Council, but I guess I'm wrong on that.

**Hon. Mr. Morgan:** — No.

**Mr. Broten:** — Okay, thank you.

**Hon. Mr. Morgan:** — Apparently I'm told here this is not a new thing. I'm advised this is the way it's always been.

**Mr. Broten:** — So just . . . I'm sorry. I thanked the critic for a moment here. So in instances when often in the House there's debates about number of employees, about budget, about around Executive Council, the way the government gets those numbers is by tallying up the totals from all of the different ministries for individuals that would be employed in ministerial offices?

**Hon. Mr. Morgan:** — I'm not sure what the question, what you're asking. If you're asking who works in Executive Council, that would not include the people that work in the minister's offices.

**Mr. Broten:** — Okay, thank you. I'll let the Chair here move, or the critic resume.

**The Chair:** — So I believe now Mr. Forbes is back asking questions.

**Mr. Forbes:** — Yes, I am.

**The Chair:** — You have the floor.

**Mr. Forbes:** — Yes, and I just want to go back to last year — it's just about a year — May 9th, 2011, there were a couple of things I just want to follow up with. One is you had done a consultation with Fast Consulting on employee and employer engagement, identifying addressing hazards in the workplace. And they had come up with 12 recommendations. What has happened to those 12 recommendations?

**Mr. Carr:** — So in terms of the 12 recommendations, those recommendations have been considered by the administration, and the administration has been working with the occupational health advisory council. They have come up with some specific recommendations on a couple of items. Delivering training to occupational health and safety committees has been improved and enhanced through the development of an online inspection training program and a train-the-trainer program for the remaining training that the recommendations identified.

There are a series of ongoing recommendations that the occupational health and safety advisory council is working with the administration to prioritize, and then they're going to move through that process to start to take what has been identified as the top priority and start consultations with stakeholders. It's anticipated that will take place over the coming period.

**Mr. Forbes:** — You know, and I do want to go to the consultation piece, but in a more in-depth period. But for now, how will this dovetail with the consultation piece that was announced last week?

**Hon. Mr. Morgan:** — The piece that was referenced last week identified things that were in the existing legislation and asked questions as to whether those things were adequate. You'll be aware that the — I think it's Bill 23 — is before the House right now. The significant component that's in that piece of legislation is the increase in fines and penalties. So the consultation piece will ask whether people feel that those are appropriate or adequate or should be enhanced. And then the recommendations that would come forward will fit with, will be consistent with that. Go ahead, Mike.

**Mr. Carr:** — I guess in terms of the consultation process that I referenced through the occupational health and safety advisory council, that work will occur as part of an ongoing part of the council's work plan. The idea here would be that it would continue, based on the recommendations in the Fast report, and that those recommendations would continue to have a review process until they've been resolved and brought forward.

**Mr. Forbes:** — Is the Fast report online? For public consumption, it's online?

**Mr. Carr:** — It's on the OH & S website.

**Mr. Forbes:** — And will there be, as you say, when it's all concluded, a final report of that Fast report?

**Mr. Carr:** — I'm not sure that that's what we had contemplated. I guess what we do is we do make available the work that the council is doing. And I guess from our perspective, when we look at the importance that we place on that work, we want the council to have adequate time to fully consider that consultation process. What's interesting to point out is there's going to be a fairly significant amount of work going on around the implementation of Bill 23, and the council is certainly going to be fully engaged in that process along with the administration throughout the fall.

**Hon. Mr. Morgan:** — To just sort of follow on that a little bit, we have that process. We also have committee of review of the Workers' Compensation Board Act, and I think when those reports are done, they're paid for with public dollars. The reports are made public, and I think we owe the public and the stakeholders and the people that participated in the report a response to the report. A lot of them are things that are good recommendations, not expensive to implement, you know, streamlining processes or whatever. So a lot of those things, by the time we receive the report, you know, as the people are preparing it, they have discussions with the staff, and they're actually under way or implemented by the time the report's complete. So a lot of them are done as they go along.

But there are some of them that you don't agree with or there has been divided opinions on, and I think where those happen, our intention would be to say, this is something we don't agree with, or we're recommending something in the alternative. But I think where, you know, you go to the work to prepare a report and receive recommendations, you sort of owe it to the process to either accept it or, if you don't accept it, then indicate why you don't accept it and what else you're doing to identify the issues.

**Mr. Forbes:** — I don't want to split hairs, and I appreciate how

you called it public dollars as opposed to tax dollars, but when it comes to occupational health and safety, and particularly Workers' Comp community review, that's paid out of Workers' Comp. How much money is Workers' Comp providing for occupation health and safety this year?

**Hon. Mr. Morgan:** — Just over \$7.8 million. It's a significant investment. I use the term public dollars rather than tax dollars because the money is coming from Workers' Compensation premiums, so it's not taxpayer dollars per se that it's paid out of the GRF [General Revenue Fund]. It's that portion of it would be paid by Workers' Compensation through the premiums.

**Mr. Forbes:** — Good. I think it's a good term because I think of it as investment in safety, and if people are safer and that there's fewer accidents, then it's good for everyone. But it's not taxpayers' money, but it still is.

**Hon. Mr. Morgan:** — I agree with you. It's a matter of terminology as to how you describe it, but I think that the level of accountability to the public is the same whether it's taxpayer dollars or whether it's money that came from Workers' Compensation because we all have an interest in the safety of the workers in the province.

**Mr. Forbes:** — Absolutely. I want to also check in on, from last year, you had talked about putting, you were in the process of putting together an advisory group to provide advice on future public policy issues impacting Saskatchewan workplaces. This advisory committee is to provide a forum for discussion, debate, recommendations on workplace issues. I'm just wondering . . . And it was not to replace the important contributions such as the OHS Council. I'm just wondering what is happening with that advisory committee?

**Hon. Mr. Morgan:** — There are 20 people on the committee. And we had some of the labour groups were somewhat slow to want to participate, but they've all agreed to now. And I'm pleased to report that the first formal meeting of the advisory committee will be this week Thursday.

**Mr. Forbes:** — Good. Thursday. Very good. It does take time, doesn't it?

**Hon. Mr. Morgan:** — Yes, but it was worth the time, and I'm hoping that the process is productive. It will be done in addition to and not in substitution for any other committee or any other process. It's an informal method of bringing together people from both labour and management to have informal and a different setting to have discussions on significant issues.

[21:00]

**Mr. Forbes:** — Now I'm wondering, I want to get into the review committee because clearly this is front and centre on people's minds right now, and I do have several questions about it. And I think that you, you know, in many ways you've called it an ambitious piece, something that we talk about legislation that hasn't been reviewed or gets reviewed if there are issues with it. I'm wondering, what are the costs? What are the staffing implications for this?

**Hon. Mr. Morgan:** — We will add, during the process, four

temporary persons that will be, the cost of which will be absorbed within the existing budget. As the matter, process, progresses further, there will be other costs that we will either absorb or else we'll cross as they come. There may well be some costs with regard to legislative drafting. The drafting would usually be done by the Ministry of Justice, and I think I had mentioned, either in the media or elsewhere, that when we talked to the Justice officials, they had indicated that they had actually done some work several years ago on a consolidation of the legislation. So they have a template or some preliminary work being done. So the people in Justice will continue to work through as the process on consultation finalizes.

**Mr. Forbes:** — Now in your press release you didn't actually mention, and I don't think I have the press release right handy — or here it is — that it will necessarily lead to legislation, that it was just a review with the three intentions. But clearly the discussion has really lead to people talking about the legislative cycle that we . . . You're reviewing it over the summer. There will be things for introduction in the fall. That is the plan, that there will be legislation?

**Hon. Mr. Morgan:** — Well the reason we say if, you know, if people decide or the effect of the conclusion of the consultation is that we shouldn't do something, then there wouldn't be legislation. But there will have to be legislation to deal with the essential services piece. That will have to happen in any event.

Even if we are successful in the appeal and the appeal, the reason we are appealing is because of Justice Ball's finding of a constitutional right to strike. We disagree with that; we think most other jurisdictions will. And that will likely progress through the Court of Appeal and, you know, good likelihood on to the Supreme Court. I expect that there will be a number of interveners on that. But assuming that the appeal is unsuccessful, we have to amend the legislation. Assuming that the appeal is 100 per cent successful, we will want to amend the essential services legislation in any event.

In preliminary discussions with the people that work — the people that deal, represent the workers — there's a strong sense that it wasn't meeting its needs, that it was a cumbersome process. The agreeing on an essential services agreement as to who's essential or who would provide services as a precondition to negotiate or renegotiating a collective agreement was sort of a wrong place to have the process.

The Premier had stated that we introduced this piece of legislation a few weeks after forming government in 2007. So the legislation, even though I'm absolutely committed to having essential services legislation, it did not get the scrutiny in the planning that it might have otherwise. So the discussions with both the unions and with management would indicate that the legislation does need to have some changes, does need to have some different processes put in it.

I think working through those will address some of the concerns that Justice Ball had in any event, so that if we're unsuccessful in the appeal, we want to address those concerns regardless. I know that's probably a long answer, but that's, if that helps you.

**Mr. Forbes:** — Fair enough. I mean that's the thing that

because I was interested, there had been a lot of discussion around the legislation part. But really when I read the press release, it didn't really talk a lot about legislation other than, I'm very aware that there has to be something done around essential services, and that's a requirement.

**Hon. Mr. Morgan:** — Absolutely.

**Mr. Forbes:** — Yes. But my concern is just in terms of the cost. The staffing, this kind of work is, as you said, ambitious, but it's huge. So I have concerns about the timeline, the 90 days. So these four people first of all, and then there's this talk about the advisory committee and who will be this set of experts. Who would be this . . . Do you have some people in mind or when will that be rolled out?

**Hon. Mr. Morgan:** — The advisory committee that we struck a year ago?

**Mr. Forbes:** — No. Well is that the same committee as this group that will be reviewing this?

**Hon. Mr. Morgan:** — That advisory committee is welcome to participate in whatever . . . now I've indicated to the people on the advisory committee that whatever they do is not done in substitution for any other process that's there. So the people that are on there, and I'll tell you who some of them are: Larry Hubich, Tom Graham, Bob Bymoen, Kelly Miner, Murray Wall, Wendy Sol, Terry Parker, Chuck Rudder, Hugh Wagner. So there's a good section from the employee representatives.

On the employer representatives there will be Steve McLellan, Michael Fougere, Lee Knafelc, Bernie Young, Gary Mearns, Ken Ricketts, Al Thomarat, Karen Low, Darren McKee. And then there's two others that would be regarded as public interest ones and that would be Kathleen Klein and Greg Trew.

**Mr. Forbes:** — Is that the committee, when you refer to on the second page, that “. . . a summary of responses will be forwarded to an Advisory Committee, composed of knowledgeable representatives of stakeholders. The Advisory Committee will review this material and provide their advice on these important issues.” Is that the same group?

**Hon. Mr. Morgan:** — Yes. Now we may decide we want to ask other people as well, but we certainly want to involve these people directly in the process.

**Mr. Forbes:** — And this is with the group you're meeting with this week?

**Hon. Mr. Morgan:** — Correct.

**Mr. Forbes:** — Well that's helpful to know. And then they will be making sure of where they go with this. And so obviously a 20-person group, they're going to be working pretty intensely over the summer months, I assume?

**Hon. Mr. Morgan:** — Each one of the entities will probably want to make a submission on their own during the 90-day period, and then whatever they decide to do later on is certainly in addition to that. Now they're not a working committee. There'll be, you know, they'll form . . .

**Mr. Forbes:** — So once you've done your, when you've done . . . Yes, it says as a summary of responses, then you'll forward it to them, and they'll have a meeting or two to talk about it. And then you'll take that away and use that.

**Hon. Mr. Morgan:** — Correct.

**Mr. Forbes:** — Okay. So it's not like they are a commission or anything.

**Hon. Mr. Morgan:** — That's correct.

**Mr. Forbes:** — Okay. Okay, so now once you . . . So you are taking money and you're taking it from your budget for these four temporary people to take this in. And then there'll be legislative drafting, and I imagine regulations and that whole part too. I'm just wondering, will there be . . . Do you feel like that's adequate? And what is the number of that budget? Have you costed this out to say, this is going to cost us \$250,000?

**Hon. Mr. Morgan:** — It depends a lot on what happens as a result of the consultation. The four people will work through the consultation process. If the consultation process doesn't go very much further, then that's sort of the end of that cost, it's a matter of doing something with essential services.

The labour groups have actually, most of them have provided letters or recommendations already. So a lot of the input on that has come, at least in a summary form, and it's actually, the stuff they provided is pretty workable-sounding stuff. So I think there's more common ground than what a lot of people might think.

But on the rest of the piece, if a lot of the other pieces such as the major consolidation go forward, there'll be a fair amount of work in legislative drafting and, as you indicated, a fair amount of work in preparing the regulations as well.

**Mr. Forbes:** — Now again, you know, it seemed to be the buzzword today and last week that these are just questions. How many questions are there in this document?

**Hon. Mr. Morgan:** — It's a question I don't have the answer to.

**Mr. Forbes:** — Just asking.

**Hon. Mr. Morgan:** — There's 32 pages of questions.

**Mr. Forbes:** — I know.

**Hon. Mr. Morgan:** — I haven't got them. There's 32 pages of questions.

**Mr. Forbes:** — The reason I'm asking is that, you know, maybe this is the teacher in me coming out. You know, when I see a question, then I think that every question has to be answered. And how will you interpret that if some questions aren't answered?

**Hon. Mr. Morgan:** — I'll give you the same answer I gave some of the health services workers — that if they choose to participate only in the essential services portion of the review,

we'll thank them for what they choose to participate in. Or if somebody else chooses to participate in only a small portion of it, or if somebody chooses to provide information or to answer questions that have not been asked, we'll take that into account as well. But we're not going to read into it because somebody chose not to answer a question that they were acquiescing or that we would read one thing or other.

**Mr. Forbes:** — And that often happens. It's hard to interpret when you don't get a response. But when you have so many questions, and somebody may be focusing on particularly on essential services because clearly that's front and centre for many of the organized groups, but some may not get as much attention. And I'm concerned that that may be interpreted that it's not a contentious issue.

Will you have a public way of responding? And I guess I am serious, and that may be a written question tomorrow. How many questions are in here?

**Hon. Mr. Morgan:** — You're welcome to count.

**Mr. Forbes:** — I guess I could. But I am serious because there has to be or should be a public accounting of each question. Because if it's important enough to be asked, it's important enough to be tracked.

**Hon. Mr. Morgan:** — The officials that work through the process in this ministry and in the others, when they do consultation, they send out a discussion paper. And, you know, we've done one recently in Justice on condominiums. We sent it out to as many stakeholders as we think are there. And you can't necessarily say, oh, well we received 31 that were pro and 29 that were for and this is therefore this is what we're going. You look at, you know, they've got the processes for identifying is there a theme or is this important to this group or important to that group? So, you know, and some of them you don't count at all.

One of the labour groups that we met with said, well what if somebody's commenting on federal legislation? Well, you know, it carries no weight so, you know, you do nothing more than perhaps make a comment that you received extraneous ones. Then I think that's something that we would . . . How the consultation process would work and how the results are tabulated, we haven't given a direction to the officials on it. But we would assume that they would follow the methodology that they do in the other ones.

**Mr. Forbes:** — I just, you know, and it's an interesting . . . Of course you always do have questions and it's a way to assist discussion.

Now will there be any, I think there's been a couple of other examples, one that this government's done with the environmental code, and I know that I was watching that very closely. And I don't have the numbers with me in terms of, but I think they used a consulting firm to go through the process. And, if I'm not mistaken, it took at least a year and a half, if not two and a half years. It was a long process and it was very thorough and quite costly actually. Are you familiar with the cost of . . .

**Hon. Mr. Morgan:** — I don't know what the cost would be. We're constrained by time because we need to deal with the essential services piece, and the environmental one was sort of dealing with a larger, broader question, and this is a series of smaller ones. So this one, when you start to deal with the questions in isolation, you're not making a major policy decision or crafting an overarching . . . you're saying what about this issue, what about that issue? So you work through the issues and you should get some fairly clear direction from . . .

[21:15]

**Mr. Forbes:** — So might it be possible or might it be the way it rolls out, is that will there . . . Well I guess it's what you're hoping, one big Bill though, right, in the fall? As opposed to a series of smaller ones that would take two or three years to work through.

**Hon. Mr. Morgan:** — Well right now we have 15 different pieces and, you know, some of them just, you know, when you look at them clearly, should be rolled into another. Human resource, labour, and employment was one that was sort of an add-on piece of legislation to try and assist people in their bargaining or their negotiations. So that one should be rolled into another piece. There's no reason in the world why that one was a stand-alone. And radiation piece should be part of occupational health and safety. So some of them are . . . I don't want to use the word no-brainers, but it would be very logical to have those ones rolled in.

But my deputy minister feels strongly that there should be one comprehensive code that deals with all of the issues that are there now. Maybe at the end of the process not all of them will go in but maybe 10, 12, 13. Or maybe it'll just come out that no, we may roll one or two, you know, two or three in together and amend essential services. You know, that would be an acceptable outcome if that was what the consultation produced.

You know, I certainly think there's some merit to the idea of one piece of legislation with the different parts in it for this, that, or the other. And then if you're an employee, you would essentially have two pieces to carry around or to look at. One would be the legislative piece and the other one would be your collective agreement. And the answers to virtually every issue that you would need to deal with in the workplace would be found in either of those two documents. I guess as well, the regulations, but that would . . .

**Mr. Forbes:** — Yes. I know that in many ways . . . I remember that discussion that some people had in terms of that there was so many binders of Acts. But now with the technology, I mean, I think that this government has gone a long way in terms of using an iPad and the stuff that they can do on iPads. The size of the document really is irrelevant. Can be 1,000 pages. You search for a word; it comes up to the relative sections and it doesn't matter really where it is.

And I know that the — I'm not sure who's referenced in the government, whether it's the Premier or yourself but, or the deputy minister, in terms of the federal review that was done by Dr. Arthurs, I believe, *Fairness at Work: Federal Labour Standards for the 21st Century*. And it was a couple of years . . . It's a really interesting and a very good read. And I think that

this is something that, while we're definitely surprised at the timing of this and where it is and all of that, that it never hurts to review things. It doesn't at all.

But I find that what he had done, and when I look back at the book in terms of the work around how he frames some of the discussions was very interesting about time at work, you know, and also the issues around the ILO [International Labour Organization], human rights, and that type of thing.

But of course it was commissioned by the federal Conservative government and it took a couple of years to do. But I think it's a very interesting one. I don't think it includes occupational health and safety though. It still just refers to the Labour Code. Occupational health is something completely different.

So I'm wondering, are you going to be taking a look at other pieces of research that's relevant as opposed to just feedback on the consultation like a literature search?

**Hon. Mr. Morgan:** — I think the staff would want to look at whatever relevant literature was there, and if you have suggestions, you know, I'd certainly pass that on to them. And we would also want to look at the other jurisdictions, particularly the Western Canadian ones. We know that we probably would be the first to have a comprehensive piece that we're doing, but the initial discussions that we've had with other provinces would be that they would be interested or intrigued by the idea and may well follow suit.

**Mr. Forbes:** — Now what will be the implications for the New West Agreement?

**Hon. Mr. Morgan:** — The New West Partnership specifically exempts social policy, so to the extent that their social policy is part of this, it doesn't form part of it. But on areas where we're trying to standardize between the provinces, like on what is or is not a safe practice or something such as that, then we would want to have as much consistency as we possibly could. And I think in a general sense, you want to have as much consistency as you can because if you have a worker that's worked in another province comes here, then all of a sudden finds something is different, one, it's a safety issue, but it's just difficult for people to go back and forth. So I think the more standardized or the more common it would be, the better it is, whether it be in one piece of legislation or a number.

**Mr. Forbes:** — Yes, true. Now when I was looking through this and I was looking at the list of legislation, I didn't see the Workers' Compensation Board Act.

**Hon. Mr. Morgan:** — Workers' compensation operates somewhat independently because it's an insurance scheme and funded by contributions, so it doesn't, it does not fit well into it because it deals with sort of workers that have been injured or the safety component of it. Funds that are expended by workers' compensation on safety would be used for some of the purposes of the Act, but *The Workers' Compensation Act* would be a stand-alone, separate piece.

**Mr. Forbes:** — Now because of the Workers' Compensation Board Act and its relation to occupational health and safety Act and the fact that a lot the . . . I mean clearly those two are

related and the folks at Workers' Comp obviously have . . . and the employers, the employees watch us very closely, and the organized . . . the trade unions. Would it not make sense . . . I mean I can understand how you might want to roll radiation health and safety into occupational health and safety, but to roll occupational health and safety into a labour code, then doesn't that sort of create a bit of a complication for Workers' Comp? Because they're going to be saying, we kind of liked how occupational health and safety was its own beast, and we supported that; now we have to support a bigger beast because it's all part of this Labour Code.

**Hon. Mr. Morgan:** — I'm not sure that they would call a companion piece a beast. But I think the purposes and the individual sections, whether they would be in the OH & S Act or would be part of a Labour Code, I think they would be able to do it, and certainly WCB would be one of the entities that would be consulted and would provide it.

I think, you know, the consultation we expect to be quite broad. We've sent out 657, not that we're counting . . .

**Mr. Forbes:** — [Inaudible] . . . about those questions . . .

**Hon. Mr. Morgan:** — And because we know that that's . . . [inaudible] . . . we also know that there's 185 questions in the paper. I suspect somebody's been sitting there like this ever since.

Now the Canada Labour Code also includes OH & S on the federal legislation, so we would be . . . And I'm not saying we would be mirroring that because there's a lot of different things federally than there are provincially, but they've chosen to include it in there. So there's some common sense to it.

**Mr. Forbes:** — I guess I'm sort of of that school; if it isn't broke, why fix it? And I know, as you've referenced earlier, *The Occupational Health and Safety Act* gets reviewed by legislation every five years, and so it is current and it tries to be as current as it can be. I know that part of the issue develop comes along in terms of how do you reach agreement among the parties at the council when they're making their recommendations, because that is a stickler. And it's always very, very helpful if both the employees and employers can be on the same page for the changes and that government doesn't have to take a heavy hand and say this is the way it's going to be. So I think that that will be very interesting.

Are there any other pieces of legislation that you're responsible for that is not on this list?

**Hon. Mr. Morgan:** — My staff tell me just WCB.

**Mr. Forbes:** — Okay. Good. So now the advisory committee will have a chance to review the summary of the input that you've gathered. And what about the Occupational Health and Safety Council? Will they be given the same opportunity to meet and to have a chance to have some feedback, provide you feedback?

**Hon. Mr. Morgan:** — They are an ongoing entity. They would continue to do their work.

**Mr. Forbes:** — Now the council is mandated by legislation, is it not?

**Hon. Mr. Morgan:** — Yes.

**Mr. Forbes:** — And what is the makeup of that council?

**Hon. Mr. Morgan:** — There's nine members, four from each and I think one that's an appointee. And I'll give you the names momentarily, once the yellow Post-it Notes are sorted out over here.

Ken Dishaw is the Chair. The employer representatives are Steve Fortney from the Saskatchewan Mining Association, Darcy Cretin from the Canadian Association of Petroleum Producers, Laurent Mougeot from SUMA [Saskatchewan Urban Municipalities Association], Mike Wainwright from the Sask. Chamber. And the employee representatives are Gunnar Passmore who you would know from Sask. Provincial Building & Construction Trades, Jacquie Griffiths from SFL [Saskatchewan Federation of Labour], CUPE [Canadian Union of Public Employees]; Robert Howell from SFL; and Lori Jobb from SFL, SEIU [Service Employees International Union].

And I had lunch with them last week and they're good folks. They, I think, are incredibly committed to safety.

**Mr. Forbes:** — Are there other advisory councils that you have? I'm trying to think of . . .

**Hon. Mr. Morgan:** — There's COR [committee of review] that did the WC [Workers' Compensation] . . .

**Mr. Forbes:** — But it's struck every five years. It's not an ongoing piece.

**Hon. Mr. Morgan:** — That's right. And it's now finished its term. If they were ongoing, they would do it, but we would send obviously to WCB. But yes, we do have some others, and I'll tell you which ones they are, and if you want I'll read the names. We have radiation . . .

**Mr. Forbes:** — I just need to know what groups they are.

**Hon. Mr. Morgan:** — Radiation health and safety committee, farm health and safety council, the Minimum Wage Board. We have a group of labour standards adjudicators. I don't think they would be regarded as . . . [inaudible] . . . And then the Workers' Compensation Board itself. So I think that would be it.

**Mr. Forbes:** — So will they — my question is — will they be afforded the same opportunities to look at the summary of the input?

**Hon. Mr. Morgan:** — When the summary's completed, we'd certainly give it to those people specifically and ask them for their input. But it'll be a public document, so you know, I'd be glad to ensure that you have a copy of it.

**Mr. Forbes:** — Well I appreciate that. Thank you.

**Hon. Mr. Morgan:** — It will go online. I think there's sort of two important sort of stages to the consultation. The first one is



gathering information. And as both the Premier and I have said, the government has not taken a position on this. We've raised issues. And you know, to the extent that I've chosen to, you know, make a suggestion as to what my position might be is, you know, that it would make sense to consolidate Acts, there is not a formal government position taken on any of the things other than the need to deal with essential services.

[21:30]

But when the discussion paper is formalized, then there's sort of, once again, a two-part process there. One, this is what the recommendations are, and this is what the government's response to them would be. And those would likely be put forward simultaneously and sort of saying this is what we would want to go forward with a piece of legislation.

**Mr. Forbes:** — Now what about other questions or other issues that other folks may have? You know, because as you frame this as sort of the time to renew and reflect on this, and somebody comes up, and I'm thinking of issues like shift work, community-based organizations workers, and those areas. You know, 30 years ago there were no CBO [community-based organization] workers. Now there are thousands of them.

**Hon. Mr. Morgan:** — The piece was never intended to be exhaustive, and in a cover letter to it, we've said it's not exhaustive. So we've asked the questions that were things that we heard in the run-up to the election and since, but there may well be things that people will raise in this. So if there's any significant number of those, we would certainly want to try and deal with them.

You go to the trouble to open up a piece of legislation to deal with one or two things, you want to try and deal with as many things as you practically can. So if we're doing a consolidation, it would be worth our while to try and identify other issues so that we're not back amending it or dealing with other things shortly thereafter. I'm very cognizant of the fact that it is a tight timeline, but the officials within the ministry say they can do it.

I've been really impressed with the employee representatives because they've already come forward and made recommendations or suggestions as to how we might deal with the essential services side. So I think people will likely be able to deal with it, and they may well decide to submit their work. You know, they'll comment on this group of things, and then they'll submit something else later on on other things or may choose not to do it all. But I'm confident that the people that do have an interest in it will be able to get a position put fairly quickly.

**Mr. Forbes:** — Well we'll have lots of questions about the review committee as we go forward. I think that, as I said earlier, if it can prepare us for having a better, more modern economy, it's a good thing. I'm just worried about the timeline and the cost and making sure that it's done well.

**Hon. Mr. Morgan:** — The commitment I made to the committee members is that you are there in addition to and not in substitution for anything else. So we welcome their input. If they choose not to individually or collectively participate, that's fine as well.

**Mr. Forbes:** — But it is a thing that there's a lot of stuff that I noticed. For example one that's near and dear to my heart is Family Day holiday, and it talked about, there was a question about being able to have . . . And I'm sensitive to this, but it didn't say this in the discussion paper, but it talked about floating holidays or being able to adjust them. And I know this is something in Alberta for example where they have what they call soft stat holidays where you can either take them in February or August, and then people end up taking them or trying to take them in both times — right? — because February seems a long time ago, and you're in July looking at the August long weekend.

So this will be very interesting to see how this all plays out. And I'm hoping that it's a well-thought-out piece because I think there's some things that for example the Family Day holiday now has taken root in many ways across Canada. I don't think we were the first but among the first. Manitoba has it. Ontario is about to have it, and I think Alberta had it first, as I said, as a soft stat holiday.

**Hon. Mr. Morgan:** — You'll recall that that was introduced by the previous administration, and it was supported by all members of the House. And I think at the time the thought was there was no February holiday, that winter was sort of a long haul to get through and that a break was a nice thing to do. And by focusing it as a family holiday, I think people chose to spend time with family or make it a family break, and so it will be interesting to see whether people's preference is to try and keep it on that date for that purpose or whether they try and move it to try and consolidate it so they can take a larger trip somewhere else or do whatever else. And I guess we'll look and see what people raise on that issue. But I think the starting point was certainly as you had indicated.

**Mr. Forbes:** — Will there be opportunities for discussion groups? Because as you know even just as we're talking about it, ideas come out and I know this is something . . . Will there be, is it just solely a mail-in feedback thing or will there be forums or focus groups that you'll be doing yourself?

**Hon. Mr. Morgan:** — It is not our intention to have public meetings, forums, or discussions. We've had, you know, the 657 people that we've specifically asked for, but if people choose to have their, you know, an internal discussion, that's fine. But the timeline is relatively tight, and we think that the groups are sophisticated and far enough down the road that it doesn't . . . [inaudible] . . . the process any further down the road to have a public meeting. So that was a decision we made.

We consulted with the officials. The officials felt that we could do this by way of having people submit written ones. And it's easier for the officials to work to consultations because they're not consulting . . . they're not having to focus on things that were said or comments were made. If people put it in writing, they go to the trouble of focusing their thoughts, targeting, listing them, and you know, specific responses. So we think that's a more focused and a refined way of doing it.

**Mr. Forbes:** — Now there are four groups, and there may be more — I'm just thinking off the top of my head — four groups that I think may have . . . that aren't really represented by organized groups. I'm thinking of young people, kids in high

school, seniors who have returned to the workplace, maybe working in Tim Hortons or whatever. That's an emerging trend. Foreign workers, we heard some of these things last week about a Tim Hortons incident. And now the fourth group, that's where I'm stuck at three. I'm sure it'll come to me.

**Hon. Mr. Morgan:** — You're not going to say MLAs.

**Mr. Forbes:** — No, no. But I'm thinking about groups that don't really have a voice necessarily because they're not . . . young people, seniors, you know, and the First Nations particularly. I know that was one that's always very . . . it's important to hear from them because of issues that they often bring. They have very unique barriers. Are you doing anything specific to get their input?

**Hon. Mr. Morgan:** — The paper is online. It's available, and you know, we'll urge members of the public to go through the process. The First Nations have got, you know, through the FSIN or the different groups that are there — the councils — they'll I'm sure will respond if they feel there are issues that are unique to them. All First Nations and Métis communities will have received . . . they'll be on the list. And then the young workers, you know, it's a new program we work through, we work through schools, and by having put the paper online, we may well hear from young people. I mean they're more computer savvy. They may well choose to respond and, you know, we'll . . .

**Mr. Forbes:** — I was going to ask you, you know, that's an interesting group that you've got there. Some 9,000, 10,000 young people and over the course of years now it's probably up to 15,000 maybe that have taken . . .

**Hon. Mr. Morgan:** — Past 10,000.

**Mr. Forbes:** — Past 10,000. That this would be an interesting group to track in terms of (a) I guess safety would be the number one. That's always been the concern with young workers, are they getting . . . Are they understanding? They're passing the test. But it would be interesting if there's some way to get their feedback. It's going to be an interesting group, but I don't know whether you have their emails or what you can do.

**Hon. Mr. Morgan:** — You know, when you're dealing with young people, there's privacy issues and that, but we certainly . . . You know, to the extent that they become aware of it, we would certainly welcome input from them as well. Foreign workers, we've reached out to the various community agencies, and CBOs that work with them are on our list as well. So we've circulated there as well.

**Mr. Forbes:** — Good.

**Hon. Mr. Morgan:** — One of the pieces that's there is the foreign worker protection piece. We have the recruiting agencies that . . . There's some other foreign worker pieces that actually don't fall within this ministry. The immigration pieces actually fall within Minister Norris' Advanced Ed, Employment and Immigration.

**The Chair:** — We'll switch over to Mr. Broten. You have the floor.

**Mr. Broten:** — Thank you, Mr. Chair. On the topic of foreign workers, last week in question period I was asking some questions to Minister Norris, which you just identified, and it was about changes to the SINP [Saskatchewan immigrant nominee program]. But related to that, one of the questions I asked was about the proposed changes by the federal government to allow foreign workers to be paid 15 per cent less than the average wage for their job within a region and how this has been put forward by the feds. Is this something that the province supports?

**Hon. Mr. Morgan:** — We have minimum wage legislation in our province now. One of the pieces that's in here is the indexing of minimum wage, and if you want to know more about the relationship with the . . . [inaudible] . . . that's something you'll have to talk to Minister Norris about.

**Mr. Broten:** — Okay, so in situations where it wasn't about minimum wage, but it was . . . offers being made. I'll just rest it at that. Thank you for your answer.

**Mr. Forbes:** — I want to switch gears here.

**The Chair:** — I guess the floor is back to Mr. Forbes then.

**Mr. Forbes:** — Thank you. Yes, I want to switch gears. And we may come back and talk more about the committee, but I want to make sure we get through everything. We have two hours. But the auditor had issued a report last December about workplace non-compliance. And he noted that workplace-related injuries in Saskatchewan is decreasing, but the province still has the second highest rate in Canada and that they're taking more action with non-compliant workplaces but more work needs to happen.

It was very interesting to read, but there was a couple of pieces that I do want to ask you questions about. First of all, is there still . . . You're doing prosecutions and quite active in prosecutions and the funding is still . . . Now this works really well because you're also the Minister of Justice so you're making sure that funding is there.

**Hon. Mr. Morgan:** — As you've indicated in the House, there's some very lucid discussions between the two ministers. My wife says it appears that I'm talking to myself. But yes, where you're probably going is, will the dedicated prosecutor continue?

**Mr. Forbes:** — Yes.

**Hon. Mr. Morgan:** — And the answer to that is yes. It's turned out to be highly effective, and both the Minister of Labour Relations and the Minister of Justice are a supporter of that. So that will continue.

**Mr. Forbes:** — On the same page?

**Hon. Mr. Morgan:** — Yes, they're very much on the same page on that. And the increased fines, you know, I find it disappointing that the best way to get people's attention is by prosecuting them and fining them. But the reality of it is when you talk to the officials that are in this room, that that is the most effective way of doing it.

Now training and education and sort of trying to . . . the public information, public is certainly important. But the prosecutions are some of the most effective tools. And I've sort of watched some of the comments that business leaders make and a lot of the ones that talk a lot about business safety are ones that, in the previous year, had had a large prosecution. So no doubt it's an effective tool of doing it and it's our intention to continue doing it.

**Mr. Forbes:** — And we'll talk more tomorrow on Bill 23 about the fines because that's where the fines go up.

**Hon. Mr. Morgan:** — Absolutely.

**Mr. Forbes:** — Good. I wanted the . . . It was on page 370, the auditor talks about the ministry's processes for setting priorities, including work in other organizations, and talking about the partnership between Workers' Comp that's called WorkSafe Saskatchewan. This partnership uses a risk-based formula to identify workplaces where the most injuries and deaths occurred and create a list of the top 50 and 400 employers, that is those with the worst records, and then set some priorities, using these lists. For example it asks officers to inspect the top 50 workplaces in their geographic area. But the auditor found that about 9 per cent of the ministry's inspections were at the top 50 workplaces during that time period.

So what was supposed to be happening wasn't happening. It sounded like only 9 per cent of the top 50, or worst 50 would probably be a better way of . . . But can you, would you talk a little bit about that?

[21:45]

**Hon. Mr. Morgan:** — Yes, I'm going to let Glennis talk about it. We use the term priority 50, because those are the ones where the injuries are happening so that's the term that we've used is the priority 50. Those are the ones that would benefit most from the attention that's there. So I'll let . . .

**Ms. Bihun:** — So when we talk about the priority 50 and players, we refer to that group as the group where generally they have a higher frequency of injury happening. We also do a weighting related to severity, and we prioritize those where they have a disproportionate amount of injuries happening in consideration of what their industry rate is. So while I note your reference in the auditor's report where it speaks to, we found about 9 per cent of the ministry's inspections were identified at the top 50 workplaces, that is in fact consistent with how we do our prioritization. So for example, we target our efforts to do inspections at the priority 50 employers where more injuries are happening. We also target our efforts to attend to 1,600 unique workplaces in a year. So their note that we have done 9 per cent, I read it as a recognition, not that we had attended to do something we should not have, but it is a reflection of the percentage of inspections that we did in those priority 50 employers.

**Mr. Forbes:** — You're saying 9 per cent is about right for 50 places because you did 91 per cent at 1,600 other places.

**Ms. Bihun:** — When we talk about employers, many of the employers on our priority 50 list are going to have multiple

locations around the province. So our target to get to 1,600 unique work site locations may in fact include work sites under the same employer. Under our priority 50 employer program, while that would count as a single employer, they would be inspections at multiple work sites around the province. So for example, a larger employer could have 10 different work sites around the province, and while that would count as a single employer under our priority 50 targeting, it would count as 10 unique work site inspections.

**Mr. Forbes:** — So why would the auditor . . . In the paragraph above, he says, and I quote, "We found the Ministry set and communicated priorities but needed to assess risks using a more comprehensive, systematic approach."

**Ms. Bihun:** — My understanding of the auditor's results are that while we had the prioritization, done the assessment based on things like the frequency and severity as I described, what was primarily missing — and you'll see that when you move towards their recommendation — what was primarily missing was that the risk-based approach was not documented inside our strategic planning documents. So if you take their narrative and then apply it to the recommendation that follows, it's specific to how we've documented the risk-based analysis that we're doing, rather than the perspective that the risk-based analysis isn't being undertaken.

**Mr. Forbes:** — And the other comment that he made, and I'll read this to you. It's on page 372, and it's the last paragraph:

Identifying the cause of non-compliance is key for effectively reducing dangerous occurrences. The Ministry documented the cause of non-compliance for less than 20% of [the] contraventions. The Ministry's procedures and training did not require officers to document the cause of non-compliance. Identifying the causes of non-compliance would help the Ministry to take appropriate and timely action to enforce the Act and regulations. It would also aid in preventing similar contraventions.

So the way I read it is that it talks about the causes, and where the ministry . . . That's not required. Is it something that is now required, or are you taking a look at that and thought more about that?

**Ms. Bihun:** — The reference to the causes piece was specific to the occupational health and safety division's policy for the purpose, policy, and procedure related to how it undertakes its inspections. One of the matters that's been essential for our follow-up to fully implement from the auditor's recommendations is in fact to do a careful review of our policies and procedures. And where that policy previously noted that while . . . It is not the occupational health and safety division's role to identify all hazards in the workplace because we understand that our workplaces need to build their systems on the workplace responsibility system, and the greatest degree of control over those hazards rests with the employers and down through supervisors as well as workers with their responsibilities.

What the policy did not do was . . . Where we've improved it is to give further direction to our officers for the kinds of things

that they need to be considering prior to them making a determination on which particular violation that they want to note for non-compliance matters. What I mean by that is, when an officer conducts an inspection and comes to the conclusion that, for example, the training provided to workers was inadequate and they issued a notice of contravention that included a violation related to providing insufficient worker training, those observations weren't noted in their report to make it abundantly clear that why the, perhaps, worker wasn't wearing their personal protective equipment was because they hadn't received appropriate training. While inherently that's the assessment and the analysis that the officer needed to go through to reach that conclusion, it was not documented either, in many cases, either in their notebook or in the report that it provided to the workplace.

So the policy changes that we are just finalizing in training our officers in May will speak very specifically to the kinds of hazard control assessment that they need to be undertaking during their inspections and recording those observations as they make their conclusions or determine which violations to make note of in their reports when they deliver them to the workplace.

**Hon. Mr. Morgan:** — So I think the auditor, you know, the purpose of the auditor's recommendation is to identify a reason why there was non-compliance so that compliance would be easier, more forthcoming in the future. So I think what Glennis is saying is that we agree with the recommendation. Where it's appropriate or when they're picking which things to do it, if they know there is a reason for it, whether it's something as simple as somebody wasn't trained or whether it was a high cost to it or something, but it will certainly be something that, it's a recommendation that's agreed with. So we'll certainly want to try and focus more on reasons for non-compliance if it's appropriate and it can form part of their investigative process.

**Mr. Forbes:** — I guess that would be my question is the recommendation no. 4, whether you agree with it and whether it was a fair evaluation of the circumstances.

**Hon. Mr. Morgan:** — I think we may not agree that the criticism was necessarily fair in most cases because a lot of it was just a simple matter that if somebody wasn't wearing safety equipment and should have been wearing safety equipment, you know, well were you trained? Yes. Well then, you know, why weren't you wearing it? So you know, it wasn't something that was identified because it was something that was straightforward. But having said that, we agree that focusing on the reasons for non-compliance will certainly make compliance easier so that . . . We're not disagreeing with the recommendation.

**Mr. Forbes:** — Well that's good to hear because I think that whenever the auditor does this kind of work, it's a pair of fresh eyes. And you come in and they ask, why? And they may be off base. But clearly anything that we can do to prevent injuries and deaths . . . But I do want to go back to that one because the priority 50 . . . So I guess what, to go on to continue that page, the recommendation no. 3, what is your comments about recommendation no. 3?

**Ms. Bihun:** — So we support the need for us to ensure that we

have the documentation of the comprehensive risk-based approach relative to the prioritizing and the targeting that we have under way. And while we undertake that analysis during our targeting, and so for example, whether or not we are focusing on priority employers because of the number of injuries that are going on, whether or not we're focusing on sectors because perhaps there's a high incidence of fatalities — for example the work that we've done related to zero tolerance on fall protection — or whether or not we are focusing on some research issues related to some health exposures that have happened, in fact the analysis was undertaken. However it was not documented as part of our work plans or strategic plans that the occupational health and safety division was doing.

**Mr. Forbes:** — Thank you. I would like to move into *The Workers' Compensation Act* committee of review. Is there any comments about that? I don't know if Mr. Federko wants to come forward or not. I could just . . . What I'm going to be asking about is the recommendation 8. And I know it was a non-consensus item, but I know it was raised last year and this has been one that's been going on for many years. And you know, as the wages go up in Saskatchewan, this is, and it's a difficult one to wrestle with, how to set the maximum benefit level. But if the minister would comment on some of the recommendations, but particularly no. 8. What's the future hold for it?

**Hon. Mr. Morgan:** — No. 8 is certainly the most significant recommendation that comes out. It's the most, it was the one that was divided when, on COR, where there was mixed opinion on it. So we're working through a variety of different options, but we have not yet taken a position on it. But we will.

**Mr. Forbes:** — So generally you haven't released a final review . . .

**Hon. Mr. Morgan:** — A formal response to . . .

**Mr. Forbes:** — Yes.

**Hon. Mr. Morgan:** — We have not yet released a formal response to the committee of review, but we intend to. As I'd indicated earlier, when you go to the trouble and expense of that, you owe it to the process to either accept, reject, or indicate what you're doing.

When Glennis was here commenting on the auditor's report, I think one of the things that was important was that a lot of things that were taking place, we agreed with the recommendation, and we were probably doing it. But the documentation, they may not have been noting or doing things, but we agreed with what they were recommending. But it was a matter of saying, okay, this was the thought process they used to get to that. So there was far more agreement in those recommendations than might appear on the face of the report. And it's things that they will . . . It's not expensive or difficult to try and document things differently. So there's clear indication that they were accepting the report. But anyway I'll let you ask.

**Mr. Forbes:** — So my question . . . [inaudible] . . . Are you waiting . . .

**Hon. Mr. Morgan:** — Well the answer I gave is we have not yet . . . [inaudible] . . . That's one of the ones we have not.

**Mr. Forbes:** — So I suppose then are you saying that you're really not at a point where you can make comments on any of these?

**Hon. Mr. Morgan:** — If you want to ask if there's some others that are there, if they're straightforward, we'll certainly give you an answer. But one of the ones where it was divided and where it will be a Treasury Board issue on them, you know, I'll have to get a cabinet direction on that one. I'm not able to comment on it.

[22:00]

**Mr. Forbes:** — Sure. The one, I think it was the governance aspect, and it looks like it was a consensus agreed — I'm not sure; it doesn't say it's not — but increasing it to five directors and whether that is something that we might see further down the road.

**Hon. Mr. Morgan:** — The recommendation that came from the officials was we didn't see that there was a need to or a great benefit to do the increase, so the recommendation we'll make to cabinet would be not to do the increase. It's one of the few that we disagreed with.

**Mr. Forbes:** — Okay. And then the other one, and it seemed to be also — and it's one that I think we all deal with in our MLA offices — around the issue regarding the whole appeal process, the appeal process. And they recommend that there in fact be two levels of appeals, namely an appeals department and then the appeals tribunal, and that there be adequate resources, both in quantity and quality provided for the appeal process.

**Hon. Mr. Morgan:** — I have spent a lot of years as an MLA, and I'm well aware of the number of issues that come in. So we agree with this one. We're supportive of this. Yes, I think the more we can reduce worker frustration on the process, the greater the level of satisfaction.

**Mr. Forbes:** — Right. Now I'm curious though about the two levels of appeal because we have and we see within Workers' Comp fair practices office, there was the worker's advocate, and now they're talking about a specialist. Well how would this be different than what already exists?

**Hon. Mr. Morgan:** — It's actually a reflection of what exists now, but it would sort of clarify or change the procedure. There's the internal appeal that's done at the administrative level where the worker deals with the staff at the initial level, and then the second one would be to the board itself.

And interestingly when the COR was assembled, when I first met with Roslyn Kunin, I asked the question, will you hear or do you anticipate hearing that the final appeal should be totally removed? And she said, well it would be something that they would have a discussion about. And there was no recommendation to have an external review. And that was a question I specifically put to her at the outset was, is the review process at the board level, in your view, satisfactory? Or do you anticipate hearing that things . . . So, you know, she was

directed — not directed, but it was, you know, I put that in her mind — that that may have been an issue. And that was certainly did not come forward that it would go beyond the existing board level, but they do recommend, you know, that the process be refined and clarified.

**Mr. Forbes:** — Right. So you received this last year. When about did you receive it?

**Hon. Mr. Morgan:** — December of last year.

**Mr. Forbes:** — So still relatively new. It's just a few months old actually. When do you think that you'll be going to . . . What's the timeline on this process?

**Hon. Mr. Morgan:** — As you're aware, there's a cabinet shuffle coming up. And so I don't know what will happen with that. So if it's a new minister, it may take some additional time. But my goal would be to try and have something in the call for legislation so that a Bill would be introduced to try and deal with the legislative requirements in the fall. I've asked the legislation and regulation review committee Chair, who is a fine person, to make sure that there is a placeholder on the agenda so that if that's ready, that would go ahead.

**Mr. Forbes:** — Well I think and I know that last year at the estimates here, my colleague at the time had really talked a lot about how important the maximum wage levels were and has been for many years, and hasn't been . . . which is unfortunate because I think the longer it's left, the harder it becomes to address. And so I really hope that it's one that can be addressed as soon as possible. It may be a difficult one to do, but at one point we do have to bite the bullet and make sure it happens. So that's good.

I just have a few more just general ones and then . . . I'm wondering, there's been some issues in the media around asbestos. Any thoughts about how we can work towards that, resolving that issue?

**Hon. Mr. Morgan:** — You and I were both at the National Day of Mourning. And it was, you know, one of the significant causes of death. You know, a year ago we had 45 people die. This year we had 37. It's cold comfort for the 37 people to die who died to know that it was eight fewer than it was the previous year. But of those 37, a significant one of those were asbestos related. Now they contracted the disease many, many years, or the exposure was many years ago. And I'm told by the officials that, you know, the technology and the science and best practices have progressed a long ways.

When the asbestos is contained, that is the best thing that can happen. I think the term for it is friable, where it's broken up or crushed and becomes airborne, while where it's contained either in a wall or wrapped in something where it's, you know, being used for insulation, it can stay in that state virtually indefinitely.

The reality for us in our province is that virtually any building built between about 1920 and well into the 1970s likely has a significant amount of asbestos in it. So it would not be . . . We would not as this province be able to remove it from all of the buildings that are there. To make it worse, buildings that are older than that often have had additions and repairs that where

even older ones will have had some asbestos put in at some point in time, and then newer ones would have.

And where you're probably going is the issue of a registry, and no province at the present time has a registry. I understand that Quebec is considering a website that would list them, but it wouldn't be a formal registry. The officials tell us that where, if you have a registry, people would tend to rely on it, perhaps to their detriment if they would go to a building that is not on the registry and then would go in and start to do work and then would do it. Right now the practice is, if you go and you discover there's asbestos or you check, you know, and any worker that's doing work would check, be aware of it and know that they would have to have, you know, ventilation equipment and that type of thing. It's probably better to assume there's asbestos in everything and then go ahead and do it. That appears to be what best practices are now, but that's not to say there shouldn't be other discussions to determine and make sure that we are as far down as . . . [inaudible].

The OHS Council recently reviewed and endorsed updated guidelines on the management of asbestos. Now that doesn't change anything as far as . . . So we could certainly get you a copy of the guidelines. But, you know, it is a significant cause of death in our province.

**Mr. Forbes:** — And it's one I think that people look to governments or those places that could be leading by best practice and informing people about it. And I think you're right, and we should assume if that's a building between 1920 and '70, be careful. But it is one that . . . Or if you're born in 1970 or '80, you may not have heard of asbestos. I mean we're getting to that age now, you know. I don't know. I mean it's amazing what people haven't heard of.

**Hon. Mr. Morgan:** — Some of us were born before then.

**Mr. Forbes:** — We were at an event the other night and somebody hadn't heard of Ken Dryden, you know.

**Hon. Mr. Morgan:** — Well some people think that Tim Hortons is only doughnuts and doesn't know that there's a hockey story there as well.

**Mr. Forbes:** — That's right. So we make these assumptions and then we find out, no, it's not the case.

**Hon. Mr. Morgan:** — I met with some workers that are suffering from asbestosis and appreciate the concern that they're going and that they want to feel that even though they may have a significantly shortened lifespan, that it was not in vain, that they want to make sure that we do the best practices that we can.

And so it's something we'll want to work with, with our officials, to make sure that we are doing the best we can. And as I had indicated there is certainly some concerns around a registry creating an expectation of safety that does not exist in reality, so the best assumption is that the asbestos is there and to take all the steps that are . . .

**Mr. Forbes:** — Is there a way of, you know, how you've gone through that priority 50 or, you know, thinking about risk-based

assessment of doing, applying that as well, particularly where there's more traffic, more people going through the buildings? There are high-risk buildings, and you could start at the top and work your way down. And some of the ones that don't have a lot of people going through or may be well sealed are not issues, but there may be ones that are very at risk and people should be aware.

**Hon. Mr. Morgan:** — OH & S is auditing a cross-section of schools and hospitals and follow-up to letters sent to all regional health authorities and school divisions last year, highlighting asbestos related requirements as they apply to renovation repair activities. At least four of the 12 primary health regions are now addressing this issue at a regional level. OHS is not aware of any similar initiatives by school districts. So I think your point is valid that if there are areas where there is a greater risk and I think, and some inspections may enhance the process.

I know that most of the school boards in the province have the buildings that have asbestos, have them catalogued. I know the provincial government, I believe, has all or most of them catalogued and I don't know how many the regional health authorities do, and if they've catalogued them they would certainly know where the asbestos is so they would be able to . . . but we can probably get you some more information as to what risks they can identify and what things can be avoided, what best practice . . . [inaudible].

**Mr. Forbes:** — I think this will be an ongoing concern because, I mean, there's a balance between what can be done, what can be achieved and creating expectations, but if, whatever we can do it's that, you know, as you've pointed out, that people get it from exposure. You know, they get the cancers many years after the fact.

I'm curious. I just want to move to talk a little bit about harassment and especially the special harassment unit that I think is in place. It's still in place? And is it fully staffed and what kind of role is it playing and how effective is it? How are things?

**Hon. Mr. Morgan:** — I have officials that are going to answer that question.

**Ms. Bihun:** — So we currently have four occupational health officers dedicated to dealing with matters related to harassment. That represents an increase of one officer from where we were a couple years ago where we had three dedicated. So we do have four now.

We have certainly . . . And I just need to flip my pages to those statistics. There we go. So we have certainly continued to see a number of increases related to the activities that our harassment officers are addressing. At the end of the fiscal year, so at the end of the year that concluded March 31st, there were a total of 1,305 harassment related inquiries received by our officers. Of those inquiries, 1,076 were related to personal harassment. There were a total of 297 investigations undertaken. Of those, 296 were related to personal harassment.

[22:15]

**Mr. Forbes:** — Now is there a waiting list? Are you able to meet the needs fairly quickly?

**Ms. Bihun:** — Within our policies and procedures, one of the things that we have done to ensure that we recognize to the extent possible the need to address these kinds of concerns in a timely manner as they arise, is we have put some service delivery standards around how long it would take for us to return a phone call when an inquiry initially comes in. How long will it take us to review the harassment questionnaire to determine whether or not an investigation will be undertaken? If we compare the statistics, they certainly have increased over the last number of years. However we have the fourth officer dedicated to this area now as well.

**Mr. Forbes:** — So what is the time lag between somebody calling in and being called back and the investigation beginning? What's a typical scenario?

**Ms. Bihun:** — While I don't have that specific information, I can tell you that it would vary. Sometimes many of those inquiries — and you can tell from the difference between the inquiry and investigation number — sometimes those inquiries are resolved through matter of course in a phone call, so it may be a matter that does not fit the definition of harassment currently under the legislation. That resolution comes about quite quickly. If it's a matter where a questionnaire is required to be completed, some of it will depend on the completion of questionnaire on the complexity of the matter as well as, of course, the caseload that the officer themselves are carrying and reviewing. So I don't have a good estimate for a turnaround on the investigative matters, which perhaps is the question you're more getting at.

**Mr. Forbes:** — Would you say most cases are looked after within a month or two or six months?

**Ms. Bihun:** — I would suggest that the majority of cases would be reviewed and have an officer's decision rendered within about three months. That of course comes with those exceptions. There would be, well, you know, perhaps outside that or perhaps in a shorter time frame. I could review the numbers and give you something more specific if you were interested.

**Mr. Forbes:** — If you would that would be . . .

**Hon. Mr. Morgan:** — We can tell you that for the ministry we don't regard it as not satisfactory, we're not . . . It's not something that's been targeted for additional resources or that we have complaints that people are . . . And as Glennis indicated, it'll vary. Some will be, you know, resolved by a phone call, some by a meeting, but for the most part they're dealt with in a timely manner. If they're more complex they take longer, but we think that the resources that are there are adequate and they're being dealt with in this as quickly a manner as the circumstances permit.

**Mr. Forbes:** — Now and you also utilize a special adjudicator and there are some, in fact, legislative requirements that it has to be resolved within a year, I think. And so how many of these cases end up going to the special adjudicator?

**Ms. Bihun:** — I'd need to get back to you with the exact number of special adjudications. Oh I can tell you we sent nine last fiscal year.

**Mr. Forbes:** — All right. Nine, okay. And you have just appointed some new special adjudicators. I think I saw the order in council came through.

**Ms. Bihun:** — That's correct. There's now a total of five special adjudicators.

**Mr. Forbes:** — That's good. Okay. And I see . . . I just have one more area that I want to just talk about, and of course that's an issue that I've been raising a lot around protection for late-night retail workers. And I'm curious about some . . . Has there been investigations into late-night retail workplaces? And what has the ministry found?

**Hon. Mr. Morgan:** — You had raised the issue with us earlier and I made inquiries. And there's actually ongoing investigations that are done. Sometimes they find that . . . Anyway I'll read something to you:

During a sample of recent inspections of late-night retail establishment centres around the province by OH & S, non-compliance with current legislation was identified about 80 per cent of the time. While most had some development of a violence policy, the policy was only developed and fully implemented about 20 per cent of the time. While OH & S regulations provide protection to workers who work alone, these regulations apply to workers in isolated locations where assistance is not readily available and therefore it does not apply to retail workers.

So what we're saying is the existing regulations are not complied with. So they're doing more inspections and are working with the retailers to come up. And it seems every time there's a public incident or something, the level of compliance goes up. But it's nowhere near where it need be. And if we had compliance we would be offering a far higher level of safety than where we are.

I can tell you that the adding a second worker doesn't stop the incident from taking place. You're aware of the incident at Kyle where two people were shot and killed. But the other things do where you've got appropriate barriers and lighting and things that would be a deterrent to the offence or the things where you take the other steps that are there. We certainly don't want to do things that would require the businesses to close. What we want to do instead is develop policies that protects the workers.

So I'd indicated to you earlier that our intention would be to come up with a more formalized policy and make some changes to the regulations. We don't believe we need to do a legislative change at this point. I think we can do everything through regulation.

**Mr. Carr:** — The Bill currently before the House does address violence in the workplace. And it does specifically address the requirement for a written policy on violence and an ability that all, a requirement that all workers be trained in that policy. And so this would be to assist them in mitigation of hazard and risk

associated with the work that they're asked to do in late-night hours.

**Mr. Forbes:** — Is there anything in existence . . . You've referred to something in existence already where they're not in compliance. Is there . . .

**Hon. Mr. Morgan:** — They're required to have a policy. They're required . . . You know, I think it's the general rule is you take steps to make your workers safe. Well they have neither a policy nor anything. And there's clear indications where the worker is working in situations where they wouldn't be regarded as safe. And I don't think we've got a prosecution under way on any of those?

**A Member:** — No, we don't.

**Hon. Mr. Morgan:** — But you know, right now it's working with the business and the employees to try and get some compliance or a higher level of safety.

**Mr. Forbes:** — And I am not an expert in this area of prosecutions, but why wouldn't there be? You know, some of the examples I can think of clearly cry out for some prosecutions.

**Mr. Carr:** — I think that when we have officers in the field conducting their work and doing their investigation, our first effort is to try and move the employer to take action to positively mitigate the risk. And so when we talk about the work that we've done in relation to late-night convenience stores and retailers, what we have been doing is entering into a dialogue with them around getting into compliance. That's the approach we take in every workplace in most circumstances.

In terms of what we are finding, we're finding that there is a need for them to implement what they've developed and to educate the staff with respect to what they've written. The concern here again as we look at enforcement, our first point of contact is to educate. If we have an agreed-upon course of action that will move that particular workplace into compliance, we then give them a chance to step and move into compliance. If that work doesn't result in compliance, we will then move to prosecution.

**Mr. Forbes:** — Now there's been some really good work about environmental protection. I forget . . . There's an acronym.

**A Member:** — Engineered solutions.

**Mr. Forbes:** — Engineered solutions. It's a brilliant piece of work and to me it just makes so much sense. And when I've been out and about and I've seen really good workplaces and, you know, I would even say 75 to 80 per cent of workplaces seem to be safe. I don't know if they have a plan. I can't ask them for the plan, but they have a lot of other things that make a lot of sense.

But I think that the education part is key, but I do see that there's some priorities out there where, and it's just a handful of places where, you know, you can see that there is going to be risks happening, and multiple holdups. And there have been multiple holdups in some locations. And you know, it's like,

what's the choice of weapon for this week? And that's a tough situation when you talk to the employee.

But I guess my question would be that in terms of doing this, that if — two parts — one, when there has been a holdup, how quickly . . . And you know, there has, other than the Kyle situation, not many actual deaths really in Saskatchewan which is . . . Thank God. But after the investigation, for example, in Yorkton, was there an investigation by occupational health and safety? Were the alarms working, that type of thing?

**Ms. Bihun:** — So in answer to your question, yes, there was an investigation that was undertaken to the matter in Yorkton. I wouldn't typically disclose the results of a specific investigation. However sometimes during our investigations what we are finding is that the appropriate security measures to satisfy the existing components of our legislation are in fact in place until you consider taking a look at the risk assessment that the legislation currently requires.

So the legislation currently requires that the risk must be assessed and that the appropriate measures are put in place to mitigate that risk and then workers need to be trained in what those mitigations would be. So for example if the risk is assessed by an employer to be high enough that it means that the appropriate security measures to protect the health and safety of a worker might be physical barriers or might be more than one worker or might be locked doors or might be limited cash on hand, then that legislation is in place already for those determinations, that assessment to be made and the appropriate steps taken to implement the security measures that are in place.

What we find, particularly with those incidents related to violence, is that we don't have a high rate of compliance of reporting to the OH & S division of those incidents by the workplaces themselves. And even in those situations where a worker wasn't seriously injured or killed, by definition under our legislation, if it was a violent incident, so perhaps an armed robbery, that would be required to be reported to the OH & S division as a dangerous occurrence.

What we're finding is that workplaces don't tend to report those matters to us, that they're very much still seen as a criminal matter and therefore reported to the appropriate police agency. And while of course that continues to be appropriate, our work now needs to focus on raising the requirement for protections related to worker safety for those notifications to also come to the OH & S division so that we can minimize the delay between the notifications. We often would rely on the media to receive that information as opposed to the workplace.

[22:30]

**Hon. Mr. Morgan:** — That was a recommendation that came up from the OH & S, is that the OH & S committees review those things where there's a fatality or where there's a follow-through. It's not treated merely as a criminal offence and left to those entities. There may be an issue as to who is the lead on the investigation, whether it be police or a coroner, whatever. But the imperative has to be that OH & S continue the investigation, one, for what they may glean for what would be beneficial to other workers and changing policy and procedures, and also whether the charge should be laid.



**Mr. Forbes:** — Very good. I appreciate those answers. And I know that we're getting close. I don't know if I have time for one more question. But I hope that we can continue this over the summer, as we've talked about, in terms of this discussion because I think it's an important one. And it's important for us. I did not realize that dangerous occurrence and whether the police should be involved in making sure that notification goes that way.

**Hon. Mr. Morgan:** — It would appear that it hasn't happened as well as it should have in the past. That's why the recommendation came forward. We agree with the recommendation. It's something we'll do.

You had indicated that you wanted to go forward. And you know, when you and I had met, I'd indicated that we supported doing something by way of regulation. And when that happens, I'll certainly want to involve you or have discussion with you on it because I know that it's something that's important to you. And I know that you've met with a large number of the people that live in Yorkton that were friends of Jimmy Wiebe, so we'll certainly want to continue with that.

**Mr. Forbes:** — I think this is a critical piece, and I think that if we can all learn from this, you know, and I think this is what the family and the friends view, that the life will not be in vain. And anybody who loses their life to an accident or a dangerous occurrence, that if there's things that we can, make sure it doesn't happen again, that's a good thing.

Well with that, I just want to thank you for your answers, and I appreciate the straightforwardness. And also the officials. I appreciate the answers as well, and thank you very much.

**Hon. Mr. Morgan:** — Mr. Chair, I would like to thank the officials for accommodating our schedule and being out here till this hour, and to the members of the committee. So thank you. Thank you, Mr. Chair.

**The Chair:** — Thank you very much, everyone. And seeing now that it's past 10:30, we'll adjourn until Tuesday, May 8th, at 3 p.m., pending adjournment of the House. Thank you, one and all. Good night.

[The committee adjourned at 22:32.]