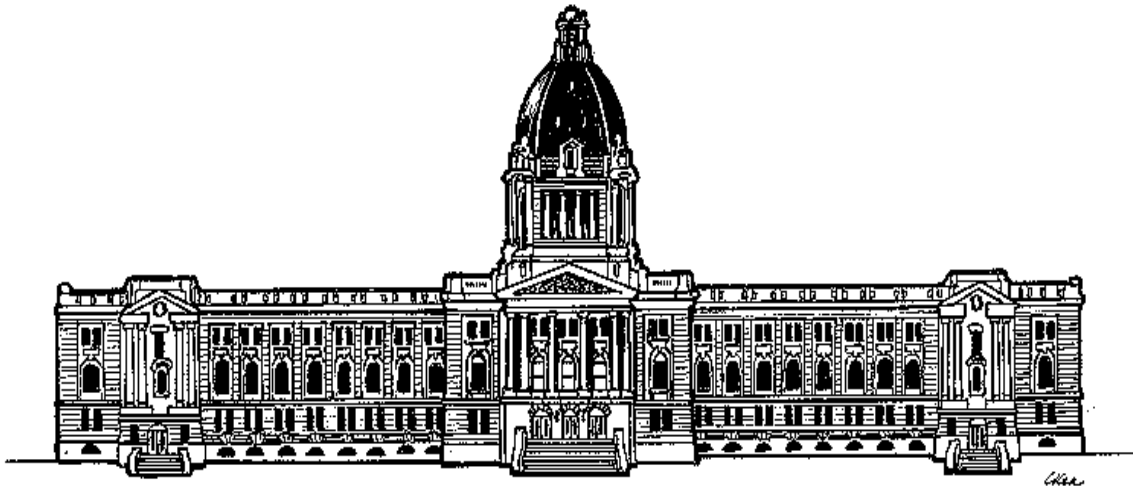




STANDING COMMITTEE ON HUMAN SERVICES

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STANDING COMMITTEE ON HUMAN SERVICES

Mr. Delbert Kirsch, Chair
Batoche

Mr. David Forbes, Deputy Chair
Saskatoon Centre

Mr. Mark Docherty
Regina Coronation Park

Mr. Greg Lawrence
Moose Jaw Wakamow

Mr. Paul Merriman
Saskatoon Sutherland

Ms. Laura Ross
Regina Qu'Appelle Valley

Ms. Nadine Wilson
Saskatchewan Rivers

[The committee met at 14:58.]

The Chair: — Thank you, ladies and gentlemen, and welcome to the Standing Committee on Human Services. The time now being 2:58, we will begin. And I'm Delbert Kirsch, and I'm the Chair of the committee. And with us today we have Mr. Mark Docherty, Mr. David Forbes, Mr. Greg Lawrence, Mr. Paul Merriman, Ms. Nadine Wilson, and Mr. Scott Moe.

Today we'll be considering the estimates for the Ministry of Labour Relations and Workplace Safety. We now begin our consideration of vote no. 20, Labour Relations and Workplace Safety, central management and services, subvote (LR01).

Minister Morgan is here with his officials. And, Mr. Minister, if you'd introduce your officials and make your opening remarks.

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

Subvote (LR01)

Hon. Mr. Morgan: — Thank you, Mr. Chair. I'm pleased to appear before your committee to present the 2013-14 budget of the Ministry of Labour Relations and Workplace Safety and to answer your questions.

Supporting me are senior members from the ministry. And they include — and I'm not sure if I've got them in a proper order — but I have Mike Carr, deputy minister; Pat Parenteau, director of policy; Laurier Donais, executive director, central services; Daniel Parrot, director, legal education services, labour standards; Tareq Al-Zabet, executive director, occupational health and safety. Tareq has just joined the ministry at the beginning of April, and this is his first time through the process, so I will ask members to direct all questions to him.

Ray Anthony, director of safety services with occupational health and safety; Denise Klotz, director of the office of the workers' advocate; Rikki Bote, executive director, communications; Jan Walls, acting director, health services. And we also have two from our external agencies. We have Peter Federko, chief executive officer of the Workers' Compensation Board. And I think maybe not here yet is Fred Bayer, board registrar with the Labour Relations Board, but I'm told he will be joining us shortly.

The past year has been extremely busy for the ministry staff, as they have been working diligently on several legislative initiatives to ensure that our labour policies are modern and transparent and to encourage healthy, safe, and fair workplaces. The ministry's budget and plan for this fiscal year furthers those efforts to support a competitive and safe employment environment and to promote balanced growth so that all citizens of Saskatchewan benefit from our current and future prosperity.

The next item I want to mention is safer and competitive workplaces. The 2013-14 budget for Labour Relations and Workplace Safety is \$18.4 million, an increase of 5.6 per cent over last year. This increase reflects in part our focus and concern about workplace safety.

The occupational health and safety division, which represents almost half of the ministry's budget, is receiving an increase of \$875,000, up 11 per cent from last year. This will help to support our efforts to build awareness and compliance of best practices and allow the hiring of three more occupational health officers. It will also fund our existing positions in the occupational health and safety division. These officers will be focused on the public health sector, where workplace injuries are significantly higher than other workplaces in the province.

We have seen the workplace injuries steadily drop in Saskatchewan over the past few years and while that is encouraging, our rate is still unacceptably high. It is also very disheartening that 60 people died last year in Saskatchewan as a result of work-related injuries and illnesses. The 60 lives lost in 2012 remind us that when we forget to make safety a priority, the results are devastating. We must do better and we will.

Bill 85, *The Saskatchewan Employment Act* contains important new measures to make workplaces safer. The legislative changes will ensure that responsibility for coordinating safety measures is clearly understood where there are multiple employers working on job sites. The bill also proposes significant increases in penalties and maximum fines for both individuals and corporations who violate our workplace safety laws. These actions complement other initiatives we have taken over the past year, including amendments to occupational health and safety legislation, steps to build awareness of asbestos in buildings, and the introduction of measures to better protect people who work in late-night retail establishments from violence.

Mr. Chair, we continue to look for ways to keep our workers safe and healthy through new policies and regulations, inspections, enforcement, and education. And this budget supports these many approaches. Earlier I mentioned key safety initiatives that will be included in *The Saskatchewan Employment Act*. As of next month, one year will have passed since we introduced our discussion paper on modernizing our labour legislation. We've launched extensive consultations and have received over 4,000 submissions. This input from individuals and organizations has been important in the ministry's deliberations on what is in the legislation, and so too has been the feedback from members from my advisory committee. The consultations have helped us identify areas that should be maintained or enhanced for individual protections and standards.

Mr. Chair, in this fiscal year the ministry will continue its work and dialogue with stakeholders on Bill 85 legislation and regulations. We've included \$250,000 in funding to ensure that all Saskatchewan people and businesses are aware of the new legislation, what the changes are, and also what hasn't changed. I want to mention also Bill 58 amendments to *The Workers' Compensation Act*. These proposed changes are based on recommendations of the committee of review as well as consultations on the committee's report. Bill 58 is a result of statutory review of the workers' compensation system that is conducted once every four years. And I look forward to discussion on this legislative piece in the months ahead.

In conclusion, Mr. Chair, I want to summarize by saying that

the legislative initiatives of the ministry will clarify the rights and responsibilities of Saskatchewan employers and employees in the unions that represent organized workers, putting the safety and interest of working people first. Thank you, committee members. I look forward to your questions.

The Chair: — Thank you. And I believe Mr. Forbes has questions.

Mr. Forbes: — Yes I do, and thank you. And thank you to all your officials that are here today, and I appreciate them coming out. It looks like a very good group. And we may have questions throughout. You know, I hope that they can stay with us throughout the whole two hours so that if we happen to go back to another area that's already been covered, that we have the people here.

Hon. Mr. Morgan: — Thank you for that. I will make sure that I do not give any of them a free pass to leave. So you may expect that they will all be here until 5 o'clock.

Mr. Forbes: — I sure appreciate it because we have just this one opportunity. I think it's the right length of time because we'll have lots of time to talk about the bills. But we may touch base on that. And I remember last year when we gathered here, we had that unfortunate incident when we had to take a break to go look for a child. And the weather was much better that day than it is today, but let's hope this can be straightforward.

So I would start with, I just want to run through the budget part. And then we'll go back into some of the specifics, that your FTEs [full-time equivalent] see an increase of two. And you've alluded to that in terms of they're within occupational health and safety. Is that where the two will be?

Hon. Mr. Morgan: — Yes, and actually it's more than that because there's some additional funding will come from WCB [Workers' Compensation Board]. So I'm not sure which official's going to take that one.

Mr. Donais: — Yes, so there's a net of two additional FTEs. I think three of them are for additional occupational health officers within the occupational health and safety division. And then there's one reduction of FTE which is basically workforce adjustment, which we'll deal with that as we go through the fiscal year here.

Mr. Forbes: — Okay, and now last year when we had . . .

Hon. Mr. Morgan: — That answer's not quite complete.

Mr. Carr: — There's been an ongoing opportunity for us to work with the Workers' Compensation Board through our partnership with WorkSafe Saskatchewan. And the Workers' Compensation Board is taking on some additional work with respect to prevention services. And so we, as the regulator, will do the administration of the legislation, and we're engaged in conversations with the board about educational opportunities to focus on prevention of injuries. And so we're talking, and we'll make a decision later this year as to how that sorts itself out.

One of the important features of the budget this year is that we are going to have some additional funding which will fully fund

the existing complement of occupational health and safety officers. So the net effect of that, if we're able to staff all positions as quickly as we hope to, will be that we'll have in effect six additional resources in the field.

Mr. Forbes: — Now part of that will be inspections, but these are an educational process. Will they be trained to do the summary ticketing? Is that part of this as well?

Mr. Carr: — Officers will be and have been receiving training on the opportunity to use the summary offence ticketing tool. Our primary focus is still going to be education and compliance through best practice, but where we find that we're not having the impact we need to have within a workplace, we'll use that tool of summary offence ticketing where appropriate.

Hon. Mr. Morgan: — We think that most employers in the province have the very best interests of their employees at heart and work hard to ensure safe workplaces. We also know that as time goes on that level of awareness and appreciation of safety is growing. However there are, not surprising, a number of situations where the collaboration collegiality, the training that's taking place doesn't work, and in those cases we require a fairly aggressive enforcement tool. And that's what we expect the SOTs [summary offence ticketing] will give.

In an ideal world, we would give no SOT tickets and no enforcement because we had zero injuries, but until we get there . . .

Mr. Forbes: — Now where does the income for the tickets, where will that be going into? The GRF [General Revenue Fund] through Justice?

Hon. Mr. Morgan: — To GRF. It was a conscious policy decision that the money would go to GRF rather than for training. We didn't want the accusation that people, that the OHOs were giving tickets because they needed to justify their existence. We wanted them to give tickets where it was appropriate, where it met the prosecutorial standard.

And we think that the funding for training and education should either come from WCB or from the GRF rather than as a result of the ticketing so that we don't have, at certain times of the year, a budget crunch met by ticketing.

Mr. Forbes: — Now the other funding that goes into the GRF — I think it actually goes to Justice — Labour does pay or contribute to a funding of a prosecutor that specializes in occupational health and safety and labour issues?

Hon. Mr. Morgan: — We have designated a prosecutor. And the salary or the cost for that is paid by Justice, not by us.

Mr. Forbes: — And has that remained constant? I think it probably might be getting close to 8, 10 years. So that position, I think it was a constant.

Hon. Mr. Morgan: — Yes, to the extent that the costs go up, Minister Wyant's absorbing it.

Mr. Forbes: — That's right. There you go. And so what kind of . . . have you been tracking the total amounts in terms of

finances for occupational health and safety?

Hon. Mr. Morgan: — We have that information, but the data isn't always productive in looking for trends on it. You're likely where a couple of years ago, we had the largest fine in Saskatchewan's history, was as a result of an occupational health and safety violation. I think it was 400,000, 420,000. So we had a huge fine and it was because of the size of the employer.

Now you could have another employer that had similar conduct, but because of the size of the employer the court would look at that and levy a fine of 50 or 60 or \$70,000. So I wouldn't say an increase or decrease in the amount of fines levied is an indication of the amount of activity of the OHOs [occupational health officer].

Mr. Forbes: — Can you give me a rundown and maybe the size of the total amounts, but also the number of successful prosecutions?

Hon. Mr. Morgan: — Yes, we'll come to that, back to that in a few minutes if you like.

Mr. Forbes: — The question I would have, has there been a priority setting of the . . . Maybe I'll give you a minute to take a look at this.

Hon. Mr. Morgan: — Sure.

Mr. Carr: — So if we look at last year, fiscal year '12-13, we had initiated 22 prosecutions, 13 convictions. Total penalties paid was \$518,920. The minimum fine was \$400 and the maximum fine was 420,000.

Mr. Forbes: — And do you have the previous years or just some . . . [inaudible].

Mr. Carr: — Yes. '11-12 we had 48 prosecutions initiated, 43 convictions. That year we generated fine revenues in the form of penalties of \$262,460. That year the minimum fine was \$500. The maximum fine was \$60,000.

In '10-11 we had initiated 74 prosecutions — 52 convictions, \$201,090 in fine revenue. The maximum fine there was \$22,400, minimum was \$200.

Mr. Forbes: — Okay, so that sounds like a pretty good track record. In your past life, you were minister of Justice. So you have a sense of what is a successful rate of prosecution. Would that fit into that?

[15:15]

Hon. Mr. Morgan: — I think the history that we have demonstrates that that part of the system is working. When they undertake prosecutions, there's a good success rate. There isn't an indication that the charges are improperly prepared or not well prosecuted because the conviction rate is quite high. So it means they're reviewing them well.

Where it's not as effective as it should be is on the smaller offences, the time lag between when an offence takes place and

when a charge might get laid. And that's the reason we think the SOTs are a useful tool.

SOTs are talked about a lot. And an SOT is no different than getting a seat belt ticket. It's under the same type of legislation. And you know that the seat belt in your vehicle is a piece of safety equipment there, so whether you're driving your own vehicle or an employer's vehicle, the expectation is that the vehicle will be equipped with a seat belt and that you will use it. If you fail to use it, it's not acceptable for you to stand up and say, I didn't receive training. I didn't know how to use it, or whatever else. You know at this point in time you must use it. So you get a ticket, and it's a standard form ticket, a voluntary payment of so many dollars. You pay it.

And it will be the same type of process, for example, use of a helmet or safety eyeglasses, steel-toed boots, or that type of personal protective gear everybody that's on a job site should know now. It may well be that a ticket would be given to an employer or an employee or both. But everybody that's on a job site should know that that is the situation, no different than wearing a seat belt in your vehicle. So nobody should be afraid of an SOT because it will be for the things that are abundantly clear, that you would understand readily, or should be trained up to do it. And if you're not trained up, well that's clearly a failing on the part of the employer or the system that's there. But the types of things that are targeted on the list of the SOTs will be the things that will be as common sense as wearing your seat belt.

Mr. Forbes: — And I assume that the employee has the right if there is no seat belt to refuse to drive or be in that vehicle if the seat belts have been taken out.

Hon. Mr. Morgan: — Disabled or not operational. You know, I'm not aware of such a situation, but the expectation would be that if the vehicle isn't so equipped or they're broken down, the employee says no, I'm not putting myself or anyone else in the vehicle at risk.

Mr. Forbes: — I'm not aware of a situation either. I'm just continuing with your metaphor that we all, when we do get into a vehicle and somehow there's no seat belt, we all feel a little anxious about what's been happening with this car.

So to continue on though, I do want to note that with the occupational health and safety, you're getting more staff there, so that would be the salaries. But when I look at the estimated increase going from 7.6 million up to 8.5 million and a big chunk . . . So there would be three . . . In the capital assets, it's 250,000. What would be something that would be . . .

Mr. Carr: — The \$250,000 itemized there is for the continuation of a project to create a portal that would allow us to interact electronically with employers and occupational health and safety committees. And so this is to continue a project that we started a little over a year ago and gain electronic access through a portal.

Mr. Forbes: — So it's a website-based project, and this is being contracted out to . . . Or who's doing the work on this?

Mr. Carr: — The work is being done by a company called

Intellex. And the project is about creating an opportunity where occupational health and safety committee minutes can be transferred electronically to the division, reviewed electronically, data mined in terms of creating a data file that would allow us to search and look for specific trends. It's also a tool that would allow us to push out to the occupational health and safety committees in the province information from the ministry. And so we're quite excited by the project because we think it will enhance our ability to get important and critical safety information out to workplaces faster.

Mr. Forbes: — Will it track who's not filing minutes, who's been inactive?

Mr. Carr: — Yes.

Mr. Forbes: — Now is this something that other provinces have? Are you developing this . . . [inaudible].

Mr. Carr: — We are using a software package that we have identified as being a strong platform, and we're making decisions about that platform in terms of utilization. And that was part of a project review that was commenced in the early part of fiscal '12-13.

Mr. Forbes: — I just have to say that's great because I have to tell you I've been a critic of other departments where I see millions of dollars going to reinventing software that we can't believe doesn't exist somewhere else in this country.

Mr. Carr: — We were fairly confident in terms of the project analysis that we bought a very robust system. We're hoping that it's going to meet the project specifications in terms of the utilization we want to put it to because that's rather unique.

Mr. Forbes: — This has been field tested in other provinces? Can you name a couple of provinces?

Mr. Carr: — This is a software that is used by significant employers to deal with their compliance issues for the various jurisdictions in which they operate. And so this in effect is a software that really has been developed to deal with occupational health and safety programs. And so it would deal with things like tracking incidents, tracking investigations and investigation information, tracking compliance requirements with various local jurisdictions. And so our hope was that we could tailor it to the use that we had intended, which is to create a portal platform in which we can communicate with our stakeholders.

Mr. Forbes: — So are you hosting it? And you get to keep the data and how that develops?

Mr. Carr: — Yes. All of that will be maintained internally through the ITO [Information Technology Office].

Mr. Forbes: — Now is it voluntary for other companies if they want to use this in terms their own occupational health and safety?

Mr. Carr: — Well we're not sure that they'd be able to use it without licensing. In fact we're fairly confident they probably couldn't. But from our perspective, it created that

communications portal that we were looking for. And rather than build it ourselves, we looked for something that was out there. That resulted in us contracting with Intellex as the vendor, and we're in about the 10th month of what we hope will be a 16-month project, and we'll be moving forward.

Mr. Forbes: — So how's the feedback coming from employers and employees? Are they feeling this is a . . .

Mr. Carr: — We haven't been able to be out yet beta testing it, and we've been using it internally to make sure that it does what we hope it will do. So we're still in the refinement stage, but we hope to be moving forward with that fairly quickly.

Mr. Forbes: — And how does the privacy work in this? And this is something I'll talk a little bit later in terms of privacy issues around this.

Mr. Carr: — The information that we receive from the safety committees, through their minutes or the incident investigations perhaps that we receive, if we're able to go to the next phase of the project, would create a situation where there would be personal information. And we would want to make sure that we protect that personal information through the normal tools.

So we would either look at the opportunity to say to the submitter of the information that look, we're going to cleanse the information specifying an individual. We're interested in capturing, you know, what were the conditions that gave rise to the incident or what were the issues reported on the minutes. And often you'll find committee minutes do contain names of individuals assigned to do the work, and we will treat that as protected in terms of the work that we're doing.

Mr. Forbes: — Interesting. So how much over . . . This is just a short-term, one- or two-year project, you were saying, 16 months?

Mr. Carr: — Yes, we expect to wrap it up this fiscal year.

Mr. Forbes: — And so this is the end of that amount of money, the 250?

Mr. Carr: — Yes.

Mr. Forbes: — Okay. Well we'll be watching for that more, and we'll talk more. I do have some questions further on about the asbestos registry and IT [information technology], how this will play out. But that's fair enough.

And labour standards in terms of the FTEs are pretty much the same or what's . . .

Mr. Donais: — Yes, there's been no change in FTEs with labour standards. The increase that you'll see in the subvote for labour standards is all due to salary increments.

Mr. Forbes: — Any special initiatives within labour standards this year, other . . .

Mr. Carr: — I can speak to that. We're quite excited about a couple of projects that our folks in labour standards have done with respect to, first of all, capturing the work they did a year

ago on performance quality standards for interacting with clients and employers. They're solidifying that and making it part of their culture.

The second thing that they're doing that I think is really exciting is they completed a lean project last fiscal year that looked at how they handle complaint files. And through that lean project, they've been able to significantly reduce the time to closure on average for files. When we started the project, the lean project last year came on the heels of some good work that we had done in '08-09 where we'd moved the average time to close a file from 163 days down to 143 days. We then took this through a lean perspective, and we were able to move the average time to close a file for the last fiscal year from 143 days down to 111 days. And if we look at the last quarter of last fiscal year, we were at 70 days.

Mr. Forbes: — So what's making the difference? How is it . . .

Mr. Carr: — We, through the task team that was pulled together to do the work, we found that files often were sitting, waiting for pieces of information. And so what they found is a variety of creative ways to go chase the information or to make a decision based on other information rather than have the file sitting on hold. And they've been very, very creative. They've done a tremendous amount of work in terms of understanding where the bottlenecks in the process were and simply eliminating those bottlenecks.

Mr. Forbes: — But you still maintain the hours that people can call. I think it's 7 to 7. Is it?

Mr. Carr: — Yes.

Mr. Forbes: — And to phone in, and that's working?

Mr. Carr: — We also did something rather interesting two years ago, and that was the development of a hosted contact centre. So we changed the platform in which our 1-800 reporting line operated and created a very significant benefit in terms of being able to have the hosted contact centre hosted from any regional office so that the calls were manned over that greater period of time, but we also found that we were able to get more consistent information about what the nature of complaints were and what our response to those complaints was. So through the hosted contact centre technology, we've been able to make significant service improvements for clients.

Mr. Forbes: — So how do you mean hosted contact centre? How does that work?

Mr. Carr: — Well what it is is it's a computer-based technology that looks at access to email, to phones. So our 1-800 number goes through that system, and it allows our individual support people to look at either answering questions that have come in over the Internet or email, answer questions that have come in over the 1-800 number, or answer questions that have been referred to them through the offices.

Mr. Forbes: — Okay.

Mr. Carr: — And it creates a very consistent opportunity for us to apply the best learning we have around what the right

answer is to a specific question.

Mr. Forbes: — So if they're phoning into Yorkton, to the local number in Yorkton, is it then redirected into . . .

Mr. Carr: — It may get answered by someone in Saskatoon or someone in Prince Albert or someone in Regina, or it may get answered in Yorkton. It just depends on who's got the watch of the hosted contact centre for that period of time. It's also allowed those individuals to do more direct research on the files that they have open, so they're able to, by having someone take the next call, make sure that they've got a more timely response to that particular inquiry.

Mr. Forbes: — Sounds interesting. Now one of the things that's going to be happening in Bill 85 is there is a position called the director of employment standards, and there is a . . . It seems like a fairly significant position. And so I'm just wondering if that's a change in really who is the . . . There is the current person. But I just want to say that that has been flagged in your questions about that because there's much more detail in the legislation about that position than in the current position.

Mr. Carr: — The director of employment standards is in fact the identical position to the director of labour standards that existed under *The Labour Standards Act*. That is the same position. That position is currently held by Mr. Greg Tuer, and he will continue to hold that position going forward.

Mr. Forbes: — And so that'll be . . . [inaudible] . . . and I'll have more questions during the committee on bills on that. But just a quick one: it's the same pay, same hiring process. There's not anything unusual about that.

Mr. Carr: — No, nothing at all.

Mr. Forbes: — Okay. We're not creating a czar of labour standards here. Okay.

Hon. Mr. Morgan: — Are you going to apply?

Mr. Forbes: — I like the title, czar. I mean it's always . . .

Mr. Carr: — Well one only needs to look back to 1914 and determine that the lifespan of a czar was relatively short.

Mr. Forbes: — There you go, but colourful. Okay.

That one I wanted to cover as we worked through this and just things that flag or stand out for me. And I know those were the two. The others seem relatively straightforward. I have a couple of questions about workers' advocate. And how many people work in that office?

[15:30]

Mr. Donais: — There's nine FTEs in that office. I think currently we have one additional term position just to help with some of the backlog, the increased demand that we've experienced in that office, but normally there's nine positions and nine FTEs.

Mr. Forbes: — What would be the cause of that backlog, or what's been the increased activity in that area?

Mr. Carr: — We have seen an increase over the past three years actually in terms of the number of claims coming forward to the office of the workers' advocate. And we've handled that increase in volume again in a pretty significant way by improving service. And the way we did that is Denise Klotz, our director of the office of the workers' advocate, looked at creating a stronger streamlined approach to case management. And she looked at making sure that her staff were appropriately and fully trained to deal with the issues that they had to contend with on various files.

When we look at kind of the interesting activity that they've seen, the office this past fiscal year dealt with 1,533 inquiries. Of those inquiries, general information was provided about the system and about the service provided. But they also found that they were able to refer 29 individuals to a mechanism where they simply needed some advice to proceed with their own appeal, and they were able to do that quite successfully. They assigned during that same fiscal year 547 files, and so the total numbers of workers served last fiscal year were 777. The appeals that they filed on behalf of the assigned files were 417, and of those 417, they were able to close during the fiscal year 450 of those files, recovering to those injured workers almost \$2 million of back pay.

Hon. Mr. Morgan: — So I'm not sure whether the appropriate credit goes to the office of the workers' advocate or WCB, but in your own office you've probably noticed it as a marked drop-off in the number of people that come in with workers' compensation concerns. I've certainly noticed it in my office. And I think the stats will show that there's fewer dissatisfied workers and that the problems are being resolved at an earlier stage. It was sort of a direction that we gave them was that within the existing system, is there anything we can do that will either speed up the processing of the claims and resolve issues that are there so that, you know, it would happen.

As you'll be aware, you know, somebody would come in. You'd make the call to WCB on behalf of your constituent. What about this? What about that? Then the person would go back, and you'd follow up with him a few weeks later on. Oh yes, they've done this; they've done that. And it wasn't a matter that you intervened on their behalf; it was a matter that they just hadn't asked the right questions or, you know, nobody was sort of working through on the . . . [inaudible].

So I think that the number of people that have looked for advice outside of the system has probably fallen off fairly significantly. And I think that's one of the reasons why we're seeing the activity at workers' advocate going up, but the satisfaction level also is increasing rather than it's a symptom of that they're dealing with what they're supposed to. I don't know if that's a fair . . .

Mr. Carr: — I think that's a very fair comment.

Mr. Forbes: — But I do have a question regarding the workers' advocate. And we've had positive feedback but, you know, as always there's the outliers, the situations that sort of fall outside common practices or broad policies but they're unique. And

one of the areas we're seeing more is around workplace harassment, bullying, and that type of thing and psychological issues.

And I'm just wondering if there's any of the workers' advocates, or between the nine of them, are they all trained specifically on just the general appeal process? Or are there some that are trained specifically how to deal with issues around workplace harassment or bullying? Because when the appeals come forward, it's very hard to make a strong appeal because it's a brand new field. Like I don't know anybody who . . . It's quite easy to find a doctor and say, you know, go talk to this doctor.

Hon. Mr. Morgan: — I think the question should actually be answered by two of our officials. I'm going to ask Denise to come up, and I don't know — that'll be on the WCB side — and then I'm going to ask Tareq to come up and learn by . . .

Mr. Forbes: — Immersion.

Hon. Mr. Morgan: — Immersion in the deep fryer. So what I'm asking Denise is to sort of give her comments on whether she's hearing a significant amount of harassment, and then you will ask whatever you like.

Ms. Klotz: — So with respect to those, the actual numbers at WCB on psychological claims have actually gone down somewhat with their numbers. For our office . . .

The Chair: — Excuse me. Could we ask you to give your name so Hansard has it for their records?

Ms. Klotz: — Oh, sorry. Yes. Denise Klotz, director of the workers' advocate office. And so we have seen we do get those kinds of complaints. We don't have one individual advocate that's trained in that, and we don't do that with any of our claims. We have the advocates work on all types of claims so that we build that capacity in the office.

And we utilize a team approach to resolve those kinds of issues and discuss the difficult claims. You're accurate in your assessment that those are very difficult claims to proceed with. But with that team environment and with our appeals, we approach them all the same. If we need to get further medical, we do approach the medical practitioners. And the advocates do their investigations on the claims the same as they would any other ones.

Mr. Forbes: — So I mean that's the . . . You know, this is a really odd case that we're dealing with and trying to help them find further resources. And they are working through your office, and they are happy about that. But it's just how to find the appropriate medical-psychological resources so that they can have the language because I don't know anything about — enough, or I won't even say enough — I don't know anything that would be . . .

Mr. Carr: — One of the things that I think it would be helpful to have Denise share with the committee is the work that she's done over the past year with respect to training. And one of the things that she's done is she's taken on the idea that mental health is a significant component of what occurs when people

suffer trauma. And so she's done some significant training there with her staff. She's also done some significant training in terms of ensuring that her staff are aware of the principles of administrative justice so that they understand in terms of their role as advocates what they can do on behalf of a client.

One of the things that I'm particularly proud of is that I know of a circumstance — not the details of course, but in general terms — I know of a circumstance where an advocate was able to see something in the conversation with a client that caused her great alarm, and she was able to make an intervention and referral that got the person some assistance. And it was really they were at a point of crisis. And it wasn't something that she was trained or competent to do, but she was trained to make a referral in that circumstance to get somebody the help they needed. And I think that was very, very positive.

Mr. Forbes: — And I think that describes exactly what I think because it's a really rare story and really they need help. And definitely our office has not the capacity . . . [inaudible] . . . I know they are. So maybe I'll just encourage that, to follow the procedures, but if they can really ask their advocate some of these things, that would be very, very helpful.

Ms. Klotz: — It's very beneficial. We've done some mental health first aid training. We've looked at some other training with a prominent psychiatrist in the community for the staff. And the WCB medical consultants and WCB themselves are open to us contacting, even if we need those types of referrals, the board has referred us to the chief medical officer on that front too. So even if we're not sure, we can get that advice there to help individuals.

And it's just really important whether it's a psychological injury claim itself or a regular claim. The mental duress that some of them are under, it's a big component of what the advocates deal with. So it's a very important piece that it's really important for us to be able to help these individuals move on beyond whatever we're able to help them with on an actual claim. So that's one of the biggest and important roles that our office plays with the injured workers.

Mr. Forbes: — Yes. And I think it's really important in this day and age when we talk about it — bullying, harassment, or gay bashing or whatever happens in the workplace — that if there's some way to provide the resources and the professional services to do that, that's huge. Okay.

Mr. Carr: — One of the last things I'd share with you is an interesting development on the national scene where the Canadian Mental Health Commission has adopted a standard around mental health practice that I think is going to be very, very helpful to workplace partners going forward in terms of getting to a point where you can actually have a conversation with people about mental health.

I think of some of the work that they've done, just about creating a dialogue and awareness of the impact that mental illness has in our society, has been hugely beneficial to starting a dialogue that you just didn't have five years ago. It just was impossible to have that conversation, and now you've got people of the stature of Clara Hughes talking quite openly about the challenges of dealing with mental illness. And I think that's

really instrumental and very helpful in terms of us being able to provide better interventions for people and better results for them in terms of a return to wellness.

Hon. Mr. Morgan: — You've had the answers from Denise Klotz and so if you have more questions for her, that's fine if you want her to come back later. But I also have Tareq that I'll bring up next if you've got questions. Denise can answer things on the worker's advocate side, but I think Tareq will be able to talk about it from in a broader sense of what's taking place.

Because it's his first time here, this is a good training opportunity, so I'd urge you to be very aggressive. Pardon my humour.

Mr. Al-Zabet: — All right. So my name is Tareq Al-Zabet. I'm the executive director of occupational health and safety division, and I'm here to answer your questions.

Mr. Forbes: — Well the question's related to again . . . And I have several actually for occupational health and safety now that you're up, and we might as well get right into it. But I just want to welcome you because it's a very important role you play in Saskatchewan workplaces, and I think this is one that we all really want to make sure works well — I mean the legislature, the public service, workers, and the employers.

So the first question is around workplace harassment and the kind of things that are happening with that. And there is a workplace, I believe there's a workplace harassment unit.

Mr. Al-Zabet: — Yes.

Mr. Forbes: — And how is that functioning?

Mr. Al-Zabet: — Thank you. So basically I'm just going to give some numbers so to give you a snapshot of how this unit is working right now. In the 2012-13, we received 1,570 inquiries on different cases of harassment, basically I could say on personal grounds where there was 1,383 cases and on prohibited grounds, 187. So in total there was 1,570. Out of those, the harassment officers investigated 168. Three of them were on prohibited grounds and 165 were personal ones.

So I just want to also advise that the office's primary role is really to make sure that the employers meet their duty to do the investigation. So it's the employer's duty to do the investigation, as per the set policy on harassment and violation policy. So that's basically in cases where the employer is unable or refuses to do that, that's where we engage and do the investigation.

Mr. Forbes: — So you're talking about prohibited grounds, that's the Human Rights Code. And then the personal grounds is where it's actual bullying, that type of thing.

Mr. Al-Zabet: — Right.

Mr. Forbes: — And you use . . . And I notice that in the new legislation, we don't refer to them as special adjudicators anymore. They'll be adjudicators.

Mr. Al-Zabet: — Adjudicators.

Mr. Forbes: — But basically doing the same work, the same time frame. Is there any other changes that we'll see?

[15:45]

Mr. Carr: — No. I think, with respect to Bill 85, you'll see that there's really a complete maintenance of the existing provisions. The simple challenge I think that we face as a regulator is that the numbers that we're seeing are growing, that as we see that growth it becomes pretty clear that there's a need for education.

And of the things that we have done is we have reached into the K to 12 [kindergarten to grade 12] school system to start a conversation in concert with their bullying programs, to talk about the workplace responsibilities with respect to that. And so part of the ready for work process that has been in place now for about eight years, nine years, has been to start that discussion early about what are the norms in the workplace, and what behaviours are appropriate and what is inappropriate.

And certainly, I think, as we go forward it's becoming clearer that that behaviour needs to be dealt with first of all at the point of hire. So employers need to set the standard and the tone and create in that workplace a sense that we're not going to be tolerant of bad behaviour. And then there needs to be an accounting for that. And so where things go wrong, there needs to be an appropriate investigation. There needs to be an appropriate remediation, and there needs to be an appropriate accounting for the behaviour.

And our experience has been, with the vast majority of the complaints we get, it's actually referring people to resources probably in their own workplace that they weren't aware existed and getting them off on the road to dealing with that.

That's not to say that there haven't been, and will be again, some very challenging and difficult complaints that come our way, because from time to time our officers are uncovering very significant issues that have not been addressed in the workplace, and the workplace demonstrates no desire to deal with them. And so then we're in a different role in trying to address that and to ensure that there is compliance with the expectations of our legislation. We also though . . . And it's important to note that there's a significant number of events that occur and are brought to our attention that are referred to other resources — the Human Rights Commission principally — for resolution because they're beyond our mandate to deal with.

Mr. Forbes: — So over the course of the past six, seven years that this unit has been in place — six years, I think — are you being able to identify trends in terms of, you know, specific personal harassment? Is it gender? Well gender would be with the code; all of that would be. Are you able to identify some trends that would help in the education of younger people?

Mr. Carr: — What I find kind of interesting, in terms of our last two years, is that we've seen a significant increase in terms of overall inquiries but we've seen a significant reduction in terms of prohibited inquiries. Inquiries on prohibited grounds a year ago, the fiscal year ending in '12 was 229, as opposed to inquiries this past fiscal year of 165 on prohibited grounds. So we think that's quite interesting.

The other thing that we're seeing though in terms of our engagement in personal harassment, they tend to be situations that start out as misunderstandings that escalate. And often by the time someone has let us know, we're finding that there's a lack of awareness in the management structure of the organization that something's gone on that they should pay attention to. So often when we are going back to that and creating that opportunity for awareness, the employer expresses all kinds of angst and frustration about, well gee, why didn't we know? Good question. So we say to them, you should go and find out.

I think the concern that you're expressing is a valid one, in terms of society at large, in that we for some reason have not got the same mechanisms for coping with the kinds of conversations that were common as when we were young people. And I'm not necessarily saying that we should have those coping mechanisms. Quite frankly that behaviour was reprehensible then; it's reprehensible now. But I think what will be of benefit is for parents and youngsters and workers and supervisors to bring those issues forward and to deal with them head-on by sitting down and having that tough, challenging conversation.

Quite frankly, we see it as a bit of a challenge to our resources, and we think that it's important work that needs to be carried out and conducted. But we need to make sure that it's the workplace partners that own the process that leads to an outcome. Because unless we do that, we're not correcting for the next person in that workplace what's going to come down the road. And so from our perspective we see, just as with safety, a huge benefit in dealing with personal harassment issues to provide education and awareness to the employer, hoping that they'll pick up the mantle and train their workforce and set the expectation regarding future behaviour.

Mr. Forbes: — Okay, good. Another issue is around late-night retail workers. And I do want to thank the department and the minister for the work around that in bringing that forth into regulations. That's hugely important. And I do want to acknowledge that good work, and thank you for that.

Now the question I left at that time though was enforcement and compliance. And a year ago you talked about how that in fact when you did go out, the bigger issue was the planning, the training of what to do. Really, you know, the difference between one or two people . . . The big elephant in the room was there were no safety plans in place. And that to me is a big issue. That's the first one.

Hon. Mr. Morgan: — We'll let Tareq do that.

Mr. Forbes: — Yes, so . . .

Hon. Mr. Morgan: — You'll probably notice the stats are some better. The number of them have dropped off, which I think is a sign of a bit of public training and an awareness that you don't necessarily get away with, with the thing. So it's way too soon to call it a success. And I think it's appropriate we recognize the contribution made from you as well. So thank you.

Mr. Al-Zabet: — Thank you. So basically we have

implemented further safety measures to protect workers in late-night retail premises. These measures include safe cash-handling procedures, use of video cameras, and the provision of good visibility and signage for all late-night retail establishments. In addition the regulations require a check-in system and a personal emergency transmitter be provided to all workers who work alone in the late-night retail establishments. Under the new regulation 37.1 — safety measures, retail premises, Jimmy's law — an employer is required to perform a hazard assessment in accordance with approved standards.

We are also working in partnership to educate workplaces and continue our enforcement efforts to achieve compliance with all protections for these workers. The commission has a safety division. WCB and the Western Convenience Store Association are working to develop a standard so we can all, you know, agree on that. Once the standard is published, occupational health and safety division will inspect for complaints with that standard. In the meantime we will continue to inspect for the regulations as per section 35 and 37.

Mr. Forbes: — So now are you getting out and doing the inspections? How many inspections have you done? And I'd be curious about that because obviously it falls out of the regular hours, I assume. So if you could speak to that.

Hon. Mr. Morgan: — We're going by Ray Anthony. He advises that we don't track it specifically, although he's offering to spend a lot more time driving around himself. I'm sorry once again.

Mr. Anthony: — Ray Anthony, director of safety services. We don't track that as a specific number or haven't yet. It will be part of this year's work plans on both priority 50 because there are some of these employers that are on that list, as well as once this standard is developed, we will go around and do the educational thing in a door-to-door fashion geographically to ensure that these employers have the knowledge, are aware of the regulations, and like that. So it'll be put into this year's work plan.

Hon. Mr. Morgan: — I think Ray should tell you the priority 50 plan.

Mr. Anthony: — Well the priority 50 plan has actually been expanded. It's actually priority 50 for general and there's actually a priority 20 for health care. And this is done in partnership with WCB through WorkSafe and of course the seven safety associations that are funded by the WCB. These tend to be very large employers that have very high accident rates. They're the highest normally in each of the rate codes that are available. And so what happens is we meet with these employers. And sort of all three together, we provide inspection services. The board provides audit services. The safety associations provide educational services. So we try and help these employers to lower their accident rates and reduce the overall.

Mr. Forbes: — Now one of the concerns that we found last year — and maybe this might be something you want to bring up in your conversation — there seemed to be a gap between what the police knew and what was actually happening. You know, if there was a late-night break-in or a robbery, it wasn't

communicated to the ministry and you were left to read about it in the paper the next day. And that seemed to be a gap that was really unfortunate because we had visited several places where there were violent break-ins and the ministry wasn't completely aware of all these things.

So is that also or could that be part of on your checklist, maybe check with the police about how to improve that line of communication? I'm not sure — now the minister may know both sides of the story, being a former minister of Justice — but I think that it just would make some common sense if there's workers put in a violent position, that there is some communication.

Mr. Anthony: — What I would say is it differs from police service to police service, and it seems to differ in those services between officers. Some are very, very good at communicating with us and some are not. And that could be due to a number of things with those services' turnover and new employees. I'm not sure. But we do communicate with the police services and tell them, if something occurs in their jurisdiction that's workplace related, we want to know about it.

Hon. Mr. Morgan: — There's a statutory obligation on the employer to disclose when dangerous occurrences happen. An armed robbery certainly would fall within that category. So that's probably something that — your point is well taken — that as we do the education component of it, that we make the employers aware that the notification is required and required forthwith.

Whenever we have a serious injury, most employers are very good at notifying us. And we usually have an OH [occupational health] team on the way within minutes or at most an hour or two. But I think where this happens, where we're trying to minimize risk, particularly where it in a lot of cases is young workers, I think reinforcing it with employers that it's absolutely essential that they self-report is a good point.

Mr. Forbes: — I think that is, you know, it's all part of the package of having a safety plan. In the end if something does go wrong, you do have to report it.

Hon. Mr. Morgan: — We've had good success and really good co-operation with the Western Convenience Store Association. As an organization they've been really proactive. They've identified the issues and given us the information that was the basis for the regulations that we put forward. And we found there was good support for that from employees and employers.

And I think the issue that you raise is something that should be included as part of it. I mean it's one thing to minimize the risk, but it's another thing when something does happen that you've got the tools in place that you're able to report and then identify. And we minimize the risk for somebody else because we've learned something, or we've learned that something doesn't work.

Mr. Forbes: — Thank you, I appreciate that. And the other one is around Howard's law. And again a big thank you to the minister and the ministry for following that up and relatively quickly too. I mean it's amazing. Sometimes these things can

take a long time to move, and we do all appreciate that.

So the next step of course is developing the registry. And if you could talk a little bit about how you see that work plan happening and what we might expect to see over the next while in terms of the, you know, work on the website and that type of thing.

Hon. Mr. Morgan: — Thank you for the question. I think it's appropriate that we recognize that once again this was something that was done by both sides of the House. So to you, we certainly thank you. And also I think it would be appropriate that we, at this committee, recognize Howard Willems — you know, he was a tireless advocate for it — and also recognize and thank Jesse Todd who's been a strong advocate and no doubt will be a continuing one.

We have the regulation, the legislation in place. The legislation will include the specifics of what has to be included on the registry. And that will be, the standard we will use will be the same as what Regina Qu'Appelle is doing. If you look, you know, it's got particulars, each of the items on the list is in fact a link to the full particulars that are there. So we will expect that from all of the public entities that are there.

[16:00]

By way of additional steps, we know that the municipalities have expressed significant interest in it. Saskatoon is preparing its own list and may voluntarily participate. It may be something that we do as a next step, want to mandate it for municipalities. You know, we're certainly having good success with the municipalities, with the various entities looking at their buildings. And some of them have, you know, just said, okay we're going to do a formal inspection. We're doing this and this. You know, they're taking it there.

This is a piece of legislation that's technically under the administration of the Ministry of Health although this particular section, the monitoring, will be done by occupational health and safety because they've got the workers in the field that have the expertise. So the things that they'll be looking at will be compliance with what they're required to report and maintain on the website.

And then also the inspections on the building because we've included a provision that the information be included at the building. So the expectation would be that if you're a worker, you'd go to a building. If you go to the boiler room or maintenance room, there will be a sheet in the wall, no different than a WHMIS [workplace hazardous materials information system] sheet or something of that nature that would be there that says, oh yes, this is where it is. So you know that in a specific area that's what you'll find.

But the caution that I would give — and I don't want to speak for Ray; I'll certainly let him do it — is that that does not necessarily mean that it is in an exhaustive list. We saw the classic example of that at the correctional centre recently. We had a large, competent, professional contractor and a government building that no one knew the asbestos was there. They broke into it; they found it was there. I think they dealt with it afterwards.

But once again, you know, it was a situation that you can't rely on it. You can't assume that it's correct. You can't assume that it's complete. The risks and the exposure are there. So the assumption that any worker and any employer should have going into a workplace is — if you're opening a wall, lifting up floor truss — make the assumption asbestos is there until you're absolutely certain that it isn't. I'll let Ray give some more particulars.

Mr. Anthony: — Well section 7 requires that they give the division notice of any high-risk activity involving asbestos. Generally those revolve around renovations or mediations, that sort of thing, in the renovation industry. We inspect to section 23 which contains all the stuff around asbestos and the inspection and the methodologies of protecting workers and working with it, and we'll continue to do that. And we'll continue to ensure that the additional requirements of having — you know, if it's a public building — having the identification is there.

Mr. Forbes: — So just to be clear here — and I probably should know this answer having read that bill several times — but the registry itself will be the responsibility of the Ministry of Health?

Hon. Mr. Morgan: — Yes.

Mr. Forbes: — Yes. Okay.

Hon. Mr. Morgan: — But having said that, the registry will appear on the websites of a number of different government entities. It will appear on LRWS [Labour Relations and Workplace Safety]. It will appear on Health. And I'm not sure whether Public Service will likely have a link on it as well because we think it shouldn't be one of those things you have to go looking for. It should be one of the things that you happen across and say, oh say, I should have a look at this.

Mr. Forbes: — Absolutely. I agree with that. That's good planning. Okay, that sounds very appropriate, and I appreciate the explanation about where the expertise around dealing with asbestos is. And there's no point having that in two or three different departments, but for sure within the Ministry of Labour, that's good.

All right. Then I think occupational health and safety is off the hot seat for a bit. But don't leave the room.

Hon. Mr. Morgan: — Where are you going next, so I can get the right official on deck?

Mr. Forbes: — Well, I just want to finish up, actually, with the . . . I have two questions. I have many more, but the two that I have is in terms of the employment, the labour review. You had mentioned last year that you had hired four people to work on this. Now are they still with you, or is their work done? What's the work plan around the employment Act?

Hon. Mr. Morgan: — We're hoping to be nearly finished. And I know that it would probably be the desire of the opposition that we would spend more money and drag this out till next fall, but we're not going to do that. We are committed to having the bill pass this spring. And so the expenditure . . . And while I

appreciate your concern on it, we are not going to spend money past the end of May on the legislation. We will of course spend money developing the regulations. I'm going to let Mr. Carr sort of talk about what we've done for staffing in that area.

Mr. Carr: — Thank you very much, minister. We of course had the four persons engaged that you are aware of. The work of one of them was a lawyer on contract to assist in the development of the legislation. He has completed his work with the introduction of the bill. We have three positions that are policy analysts, and those individuals remain with us. And it's our expectation that they will remain with us while we carry on the development of regulations, to operationalize the legislation, and to conduct a full regulatory review of occupational health and safety regulations going forward.

Mr. Forbes: — Are they permanent positions or employees of the ministry, and this is just their work assignment for the next year? Or are they additions to the current . . .

Mr. Carr: — Staffing.

Mr. Forbes: — Staffing, yes.

Mr. Carr: — They are in addition to the current staffing. They're engaged in a term position arrangement through the Public Service Commission. And in accordance with that, they are with us for a specified term of less than two years.

Mr. Forbes: — And do you anticipate that it would be finished, that the regulations, the work that they have to do, will be finished before March of 2014?

Hon. Mr. Morgan: — The goal is to have the regulations . . . the bill passed this session, and you know that would be the May timeline, and then over the summer and early fall the work done in preparation and consultation on the regulations. And then the regulations would come into place sometime late in the fall. But it would be this calendar year is just sort of the target.

Mr. Forbes: — And you had alluded to earlier about \$250,000 that was set aside for the work on this going forward, I assume, from April 1st to whenever the wrap-up is. And so some of that is around educating people what's changing, what's not changing, in the salaries of these three people?

Hon. Mr. Morgan: — Yes, the salaries of the people that are doing the development. There also will be a public education component on it. I'm somewhat troubled by misinformation that's coming out. So for that reason I'm anxious to get on with it.

I recognize it's the right of people to advertise or make public statements. But I am concerned, you know. We made changes to clean up language. We don't have Sunday shopping anymore. So the idea that you have Sunday as part of the weekend, well we can't do that anymore.

But there's been some significant pressure from some of the people that are involved in the process, saying, well it's wrong. You're taking away weekends. Well we're not taking away weekends. We're reflecting that the Sabbath is no longer necessarily a Sunday, that those things are different. We

recognize what's happened with our diverse culture. We recognize the obligations imposed on us by the Human Rights Code. That type of a takeaway does not exist. And you know, this is something that happened decades ago, and we're just updating it.

So we think there is a strong need that we put forward the issue, that we're not taking away, that people ought not be afraid that they're not going to have two days off in a row. The things that they have enjoyed in the past, they will continue to enjoy and in fact will have some enhanced benefits with regard to the additional leaves that will be granted, with the indexing of minimum wage, and also with the flexibility that they may want to work four 10's instead of five 8's. The idea that four 10's is somehow inherently wrong . . . Nurses work 12's. Firefighters work 24's. There's a variety of different things that people have negotiated and wish to do. And most of the time those other situations have been negotiated through a collective agreement.

Now the fact that a union member may ask for those doesn't mean that somebody that doesn't belong to a union doesn't want those things or isn't entitled to them. So we want to make sure that people are aware that they can have the negotiations. They can have the discussions. And if it works for an employer and employee, we want people to know that that's something they should do and not fear it.

Sorry for being political.

Mr. Forbes: — No, I appreciate that. And we have raised concerns particularly around the Sunday one. And I don't mean we have a lot more time to talk about these specifically. But I am concerned that, you know, you've raised the religious component of that. And maybe the horse is out of the barn because of Sunday shopping and that type of thing, but recognizing that so much of family-work balance . . . Schools are closed on what we think of the traditional weekend, Saturday and Sunday. How do we protect that?

And there are provinces that still maintain wherever possible that, you know, that the two days, one of the days include Sunday. Now it may be more progressive to actually say one of the two days should be Saturday. And then you have Friday, Saturday, Sunday. But I guess I'm concerned because of the family balance more than the religious aspects because we are very much in a multi-faith society, and you're right in that.

Hon. Mr. Morgan: — Your point's valid and I think to the extent that schools already have adopted that. But when we do new legislation, we have to reflect the current jurisprudence in the current legislation under the Charter in our country. So we've done that.

I don't expect that employers are going to say, oh well now we're going to have Tuesday, Wednesdays as the weekends. Everybody's got sort of the same work schedule. So it's a matter that the language has been changed to reflect the current situation, and I don't expect that there will be a wholesale change anywhere in the province. We've changed the thing . . .

So to use that as fearmongering, I take some exception to it because it's a matter of straight bringing our legislation into line. There's no direction to anybody. We didn't receive any

submissions that people wanted to do anything any differently. It's a straight matter of bringing our legislation into line with the current times.

Mr. Carr raised the issue that some of the consultation on regulations will go past the end of this calendar year. And I'm going to let him speak very briefly to that.

Mr. Carr: — Very briefly then, Minister. We are conducting a review of occupational health and safety regulations. As you well know, those regulations are rather extensive. And so from that perspective, we anticipate that we'll be undertaking that work and be at it for probably a minimum of 18 months. To some extent, it may take us out two years. But that's an important piece of work that we need to complete, and we anticipate that we'll be starting upon it shortly.

Mr. Forbes: — Thank you.

Hon. Mr. Morgan: — That process would've taken place under Bill 23, which was the OH or the occupational health changes. So it's not necessarily part of Bill 85. It's just that that had to get rolled into it. So we want to just be abundantly clear.

Mr. Forbes: — And I do want to say, though, you know, in terms of, in defence of people who you may characterize as fearmongering, it's not that they don't think you don't have the right to make these changes or maybe that they are appropriate, but if there was more time taken so we could fully understand some of the things that are being proposed, that they could support it. And that's the challenge before us, is that there will be some confusion because of the size of the bill, that it's actually really very significant, the size of the undertaking. And then to do it in one year I would think was, from my perspective, ill-advised. It's not a bad thing to do. Obviously you should always review legislation. You should always update it. But I'm not here to discuss that. I even have one more comment on it. I want questions on this so . . .

Hon. Mr. Morgan: — I'll make it, but I'll make it briefly. I think we're better served by having the legislation passed in place. People will understand it as they live with it. The longer we prolong the process, the greater the opportunity for misinformation. And I don't want to accuse people of making mischief on it, but you know, early on people looked at what was in the documents, looked at what was there. Now it's a matter of saying, well what about this, well what about this? And now we're getting into the point where we're deviating a long ways from what's in there.

So in any event, my expectation is the bill will pass. The regulations regarding hours of work, everything will fall into place later this year. People will realize that the sun will get up, the sun will go down, and that their world has not changed to any significance except in a better way that they may have a few additional options. But I don't think, for the most part, people are going to have anything that is going to trouble them as a result of this. And I think once they're there, through it, people will realize that it was well-intentioned.

I do want to thank everybody that made submissions because, as a result of the submissions, we were able to identify areas that were unintended consequences or areas where there was

detail needed to be fleshed out either in the Act or in . . . So there'll be a number of House amendments coming forward which I'll give to you as soon as is appropriate, and we'll work our way through those. And I'm hoping that those will give some people some additional comfort.

[16:15]

Mr. Forbes: — Sure, and I appreciate that. Are you planning to continue the use of the minister's advisory committee? What is the long-term plan for that committee?

Hon. Mr. Morgan: — We actually started the committee before this process was under way. The members speak as individuals and, I think, some of them have got varying opinions. But the simple answer to the question is absolutely.

For myself I found it to be invaluable. It's been a great source of information and the ability to have a candid conversation where you discuss an idea or whatever, so you float things through. It's been responsible for a number of changes. I know that you can talk to some people that are on the committee that say oh we didn't get this, we didn't get that, or there was things that they wanted. But there was issues that were raised that have certainly found their way both into the legislation and to the amendments.

So I want to thank the people that were there, that participated, and I look forward to their continuing participation as we develop regulations and go forward on a variety of other issues.

Mr. Forbes: — Thanks. Can you provide us with an update on what's happening with the essential services?

Hon. Mr. Morgan: — Yes. Yes, I can. Stay tuned.

Mr. Forbes: — Stay tuned. Very quickly, I hope. So, okay, so something . . .

Hon. Mr. Morgan: — Stay tuned.

Mr. Forbes: — Stay tuned. All right, then that's okay.

Hon. Mr. Morgan: — And if you want to take a three-minute break, you don't need to stay tuned.

Mr. Forbes: — Well we will watch for that very carefully, and maybe we might have questions in committee or in the House about that when things appear.

I just want to get a sense of what were the final costs of the labour bill. We had supplementary estimates in the fall in December. The costs, I believe, at the time — I don't have the number in front of me — I think it was about 700,000. But that was up to the end of November. And what were the final costs for that year?

Mr. Donais: — So the final costs for the labour legislation review, including the minister's advisory committee costs, totalled up to 654,000. And so that covered things like the additional term policy analysts which the deputy spoke to, the contract for Garry Moran for help with the policy development, and in terms of the development of the drafting of the

legislation and that. There's some communication costs with regards to, you know, awareness and the consultation period as well as the communication costs around the introduction of the bill, and then just some general office costs for the staff, like computers and office accommodations and that, so total 654,000.

Mr. Forbes: — So it wasn't much more beyond December and into March. That was all covered within your own budget line?

Hon. Mr. Morgan: — I had indicated the last time we went through that we were going to be absorbing things. And I know you raised it a few times in the House. I'll take issue with you on that. Now had you read the next line of my quote, it would have said that if there was additional expenses, we would deal with them. So I want to correct you on that point there. There certainly was some additional expenses, but those were the ones that are mentioned now, so I'm officially taking umbrage with you.

Mr. Forbes: — Point well taken, but you know when it comes to supplementary estimates that's significant. Anyways, point well made.

Are there any lawsuits that . . . I have two parts of this question. People have asked me who is the Ministry of Labour answerable to if they feel that they're not being treated fairly, and I've said the Ombudsman. And is that appropriate? You folks are responsible in terms of . . . People can go to the Ombudsman if they have concerns about the occupational health and safety and labour standards. Is that correct?

Hon. Mr. Morgan: — Yes. The Ombudsman's report, I think, will get released fairly soon. But in all the past annual reports, they list the complaints that have come about the ministry and about WCB. So they're listed there, and it's certainly the avenue, and I appreciate the sensitivity that, you know, if somebody has a complaint about that entity, that that is the entity you usually go to. So it's imperative that there be good work being done by the Ombudsman, and I believe Mr. Fenwick has been outstanding, actually.

Mr. Forbes: — Thank you. Have you been working with the Privacy Commissioner? Have you got a good working relationship with him? But I know he's made comments about Bill 85 and a lot of bills actually, Bill 58, workers' comp, but can you talk about, do you involve . . .

Hon. Mr. Morgan: — I don't think that there's anything pending with regard to the ministry per se at the moment. The amendments to *The Workers' Compensation Act*, the Privacy Commissioner had taken some exception to the practices that were there and wanted the Workers' Compensation Board to be subject to his legislation.

We don't support that recommendation. That was one that came from committee of review. There's a long-standing practice at WCB that they've got mechanisms to deal with it. You certainly can ask Mr. Federko about how they do the two things, one, protect information that needs to be protected and make information available to claimants.

It is a position of Workers' Compensation that they're dealing

with a privacy of their claimants in an appropriate manner and that the status quo is acceptable now. As a ministry, we're one step removed from the WCB. We look at it, but we've chosen to accept the position that they've taken, so we're not amending that portion of the Act and are supporting the position taken by WCB at this time. But we'll of course be watching it very closely because to us, and I think to all ministries, the work of the Privacy Commissioner is important. And where we disagree with him, we'll be watching.

Mr. Forbes: — I think, and we'll talk more about this in Bill 85, but I think some of his comments made, particularly in terms of bringing ourselves in line with I think it's Alberta and BC [British Columbia] when it comes to privacy regulations, particularly when it comes to private companies as opposed to the typical ones — so we think in terms of the public sector — I think is something that we should be moving towards in some way. And just generally, I think it's always good to use the advice of our legislative officers because they're experts in that field. And of course, we can have our differences.

So I'm just curious. You have a good working relationships in terms of the ministry and seeking out his opinions and that type of thing?

Mr. Carr: — I think we have a very useful working relationship. I think that we're always willing to seek the advice. We do have some disagreements with respect to, for example, the timing of release of sensitive information. And usually it relates to inquiries from third parties seeking information about the status of an investigation, usually under OH & S [occupational health and safety]. And the challenge that presents for us as a ministry is of course that, until we've concluded our investigation and until we've determined whether the issue is something that warrants prosecution, we don't want to have any information out in the public domain that will perhaps threaten or jeopardize the validity of that particular investigation.

Mr. Forbes: — Good. Thank you very much. I do want to actually ask a little bit about Workers' Comp and the implementation of Bill 58 and whether you're ready for that. Or do you want to hear the question first and then? The question, actually, it comes out of the annual report, page 67 of the annual report.

Hon. Mr. Morgan: — We're joined by Peter Federko, chief executive officer for Workers' Compensation Board and no stranger to this committee.

Mr. Forbes: — Well I do respect the work that Workers' Comp does. It's an important function within our workplace. But what I'm curious about is the reserves on page 67 where it talks about the new Act reserve. And so I assume that's the reserve that's put into place to implement the new Act. Is that what it is, for Bill 58?

Mr. Federko: — Yes it is.

Mr. Forbes: — And so then the major costs that you're anticipating from the new bill?

Mr. Federko: — The most significant portion of that cost is,

well, almost entirely related to the increase in the maximum insurable and compensable.

Mr. Forbes: — Right. And I do have some questions because, you know, I did submit some written questions about this. And of course it's a major issue, and of course it's become more and more important as the time has gone on since the last increase to the maximum wage benefits. And the last one was in 2005? 2008? When was the last increase to the maximum wage benefits?

Mr. Federko: — The last increase would have been about 2004, 2005.

Mr. Forbes: — Right. Okay. And so there hasn't been . . . But the new legislation is not anticipating going back to compensate folks or to make up for that lost ground, which is almost nine years where there was no increase. And in fact these folks were only getting increases based on CPI [consumer price index]. It wasn't that they were getting significant increases. Is that correct?

Mr. Federko: — That's correct. As I'm sure the committee knows, the Workers' Compensation Board is funded exclusively by premiums that we collect from employers. So we're essentially an insurance scheme that collects premiums to pay for benefits. Under our legislation, we're required to fund all of the costs of the injuries that occur today based on the premiums that we collect today.

The premiums collected in 2004, 2005, in previous years to the enactment of this legislation would have been based on the benefit structure in place at that time. So if there were a decision to retroactively increase benefits to workers who were injured when premiums paid were based on the maximum of \$55,000, there would be an inequity to current-year employers to pay for the cost of increasing benefits to workers whose benefits would have been funded by a lower premium rate, if you will. So the workers who are in the system on the date of proclamation will continue to have their benefits indexed.

So I think one of the progressive changes to the legislation has been to remove the hard-wiring, if you will, of the maximum, in other words to wait until the Act is opened up again to increase the maximum. And instead it builds in an indexing provision, both for current injured workers and new injured workers.

So workers injured prior to proclamation date will have their maximum increased by the change in average industrial wage. The wage base that the workers' benefits were established on will continue to be indexed by CPI as it has been in the past, but they will no longer be held by a maximum that's frozen by the legislation. New workers on date of proclamation will see their maximum go up immediately to \$59,000. And that in turn will be increased by the changes in average industrial wage such that it represents 165 per cent of provincial average wage.

The \$80 million new Act reserve is to fund the cost associated with the indexing of claims that are in the system today. So the indexing of that \$55,000 maximum into the future is requiring us essentially to come up with \$80 million to fund that current liability.

[16:30]

Because of the funded position of the board, it's not necessary for us to retroactively adjust employer premiums. We will simply reduce our reserves, which is effectively what we've done by transferring \$80 million out of our surplus into this new Act reserve. New claims of course will be funded by future premiums that we will collect from employers.

Mr. Forbes: — So the 80 million, so what we're seeing then is that current claimants or clients will see an increase next year potentially of what the CPI is. Is that what you're saying? It's going to be a slow growth as they move up? It won't be a big bounce?

Mr. Federko: — I believe the legislation's proposing that the increase will be based on the change in average industrial wage. But you know, we could say CPI, that the provisions of the Act to increase the wage base, so if someone, by way of example, on date of injury is earning \$40,000, there are provisions in the legislation to allow that 40,000 to be indexed by CPI, by the change in CPI.

The increase in the maximum will be adjusted by the change in average industrial wage. So the maximum will go up by a certain amount, and the wage base at the date of injury will also be increased by CPI, effectively to reflect the change in wages or increase in wages over time.

Mr. Forbes: — What is the average industrial wage right now in Saskatchewan?

Hon. Mr. Morgan: — I have some officials that keep that information at their fingertips. It will not take them any amount of hesitation to track the number down. We'll have it for you shortly.

Mr. Forbes: — While you get that, you know, I don't know if you had seen but I had written questions about the number of claimants receiving maximum wage benefits. And someone had visited me, you know, someone from the old plan, the average or what they call gross earnings workers. And they were . . .

Hon. Mr. Morgan: — Which question were you referring to specifically?

Mr. Forbes: — Oh in terms of 310.

Hon. Mr. Morgan: — 310?

Mr. Forbes: — Yes. And so I was not familiar with this group until somebody visited me. And this is how we find things out. So can you explain what this group is, these gross earnings workers? What is that term about? Who are these folks?

Mr. Federko: — Over the years *The Workers' Compensation Act* has been amended several times. And when the workers' compensation system moved to a wage loss system, initially entitlement to wage loss was based on 75 per cent of your gross earnings. With amendments to the legislation over time to better reflect what the actual lost wages are, the wage loss calculations changed to be based on 90 per cent of net take-home pay. So instead of 75 per cent of gross, it moved to 90 per cent of net

take-home pay, and that's what the legislation today reflects.

So effectively we have one section of the legislation that says for those workers injured prior to I think it was September 1, 1985, their maximum would be calculated according to this formula. For workers injured post-1985, their maximum is set at \$55,000. So that's how the legislation reads today.

When the amendments were made in 1985, for reasons that I'm not sure I understand, those gross . . . Perhaps it's for the same reasons I gave you in terms of not moving everybody up and that premiums were already paid based on 75 per cent of gross so to retroactively adjust those would not have been, you know, fair or reasonable to current day's employers. But there was no change made to transition those 75 per cent of gross into the 90 per cent of net system. So effectively the Act has maintained two classes of workers, one based on the old system, based on gross wages; the current workers being based on net wages.

Mr. Forbes: — And now and understandably so, many of those have passed out of the workforce and are retired and no longer are receiving WCB. And so we can see . . .

I just have two questions. I wanted to know generally how many there were. And it looks like there's, you know, 17, 16, not very many; a very low percentage of I think the . . . You know, when we had 2,700, it was like a very small percentage. But there was a big bump last year when it moved up to 26. Any reason why that would have happened? You know, when it seems to be floating and doing what, you know, you would assume that would be going down, down, down, and all of a sudden, 26. Have you examined that, or do you have any reason why that would be?

Mr. Federko: — We have not thoroughly done that analysis to determine what that bump is, so I'm sorry I can't offer you an explanation today.

Mr. Forbes: — Yes because I mean whether it's just a bump or whether we see an increase next year or whether . . . It just seems really odd that you would be admitting people because they would've had to claim prior to 1985, right?

Mr. Federko: — You know, of course our claims are never closed. So if there was a recurrence, if there was an appeal decision rendered, they would be entitled to benefits according to the legislation that was in place at the time of their injury. So you know, that is one conceivable explanation as to why you would have, you know, I mean old Act, if you will, benefits continuing to be paid.

Mr. Forbes: — Can I ask . . .

Hon. Mr. Morgan: — I can only assume it's a small enough number. You know, there's a difference between the two years is a difference of 9 on a percentage basis is big, but it's such a small number, it could just be a statistical anomaly because it's remarkably consistent before that. So I think Mr. Federko indicated there was no change in practice or anything that would indicate that. So I think the time period to watch that will be where we're at next year, whether there's an indication on that through the year.

If I could go back to where we were before, as of January of this year, average weekly earnings were \$923.50.

Mr. Forbes: — And so 165 per cent of that would make it \$1,500 probably.

Hon. Mr. Morgan: — Pretty close.

Mr. Forbes: — Yes, for 4,000-something. Yes. Okay. Times 12 would be 48. Has anybody got a calculator back there on your iPads?

Mr. Federko: — So 1,500 times four would be 6,000, I believe. So the maximum then would grow to 72,000.

Mr. Forbes: — Okay. Yes, yes, 72,000. Right. Good, good math. Thank you. So could I ask for an undertaking that if you could find out why the bump in the 26, that if a short note back to the committee . . .

Hon. Mr. Morgan: — Yes, I think that's a really sound question. And I think what's probably appropriate as well would be what's happened year to date as well. So we'll get you both those numbers.

Mr. Forbes: — Yes it would be fair. Now and I guess the question the person had to me is, with such a small number, what would be the impact if they were to be continued on until this group just essentially ended? Because at some point they will end because they'll all will age out.

Mr. Federko: — We actually didn't do the financial analysis in terms of what the impact might be, but rather dealt with it more from a philosophical perspective so as not to maintain, if you will, three classes of injured workers, but to try and simplify the legislation and make it less onerous in terms of how things like maximums could be adjusted and create some consistency among the groups. The question that was raised, I guess — even though we didn't fully do the costing, but if philosophically we agree that we would keep the 75 gross workers around and allow that maximum to float in a similar fashion — is, do we have an obligation to retroactively go back to appeal decisions that were taken? Because effectively we're retroactively changing that. And you know, we felt that that was not really a question that needed to be raised. We would just rather create more consistency in the legislation in terms of how workers would receive their entitlements.

Mr. Forbes: — Yes. That would be the point for debate, whether . . . We don't know for 17 or 20 people what the impact is for them. This is something, that particularly over the last few years, where they've not had an increase for several years, and for them now to find . . . So what's the net effect for them? Will they be . . . They'll be just seeing increases now that because the max of \$55,000 has been removed?

Mr. Federko: — They will follow the same maximum because they are effectively capped at 55,000 today, just like the post-85 injured workers. So they will effectively see that index similar to that \$55,000 maximum . . . not similar but identical to the 55,000.

Mr. Forbes: — So I just want to be clear. So the 55,000

maximum disappears?

Mr. Federko: — Yes.

Mr. Forbes: — And there's only one class essentially . . .

Mr. Federko: — Well the 55 . . . There'll still be two classes, if you will, of workers: one whose 55,000 will be adjusted by changes in the average industrial wage and another group — which would be the new workers, post-proclamation — whose maximum will start at 59,000 and be indexed by average industrial wage.

Mr. Forbes: — When we talk about that first group that you're talking about, the max, there really won't be . . . They can't cap out while what happened in the past several years where we debated about what the maximum will be, and then they ended up getting zero because the decision wasn't made. That won't happen again.

Hon. Mr. Morgan: — No, those people will receive a cost of living adjustment . . . [inaudible interjection] . . . Yes, in perpetuity. So their base is lower than the new workers coming on, but they will get the same percentage increase as everyone else. All the workers will receive, going forward, the same percentage increase, but it will be two pools of claimants, those that contributed at the old rate, so their starting point would've been 55, and the new ones that will come in at the . . . And that's phased in over the four-year period.

Mr. Forbes: — So I look forward to that. That will be of interest. Is there a protocol that WCB uses when there's a death in a workplace? What happens when there is a death? What calls are made? What happens in terms of contacting next of kin?

Mr. Federko: — Depending on the severity of . . . I shouldn't say the severity, but depending upon the circumstances, so where we have, for example, someone who is terminal as a result of an occupational disease, so something like, you know, mesothelioma, we will know the minute that that individual is diagnosed that they have mesothelioma and we know that they are terminal. So they will immediately be assigned someone within our case management group to begin working with the family and the injured worker to ensure all medical care that's required, you know, to make them comfortable or whatever is in fact being put in place. And then to work with the dependants, the remaining surviving dependants or surviving spouse if there are no dependants, to ensure that they're aware of what the benefit entitlements are, to help them in whatever way we can, to arrange counselling services if we need to do that, and so on and so forth.

In the case of traumatic injuries, where you don't know until it actually happens, one of our most senior people is assigned to dealing with the families associated with those traumatic deaths, and works directly with the widow or dependent children, whoever's left to survive. Again to ensure that, you know, they're aware of what they're entitled to in terms of funeral arrangements, what possible survivor benefits would be available, and so on and so forth.

Mr. Forbes: — Whose responsibility does it usually happen in

a traumatic accident to notify the next of kin? Or what stage does WCB come in? A day or a couple of days later? What's the timeline?

Hon. Mr. Morgan: — Are you asking sort of like the day of death, you know, whether the employer or the police or whatever would raise it?

Mr. Forbes: — Yes.

Hon. Mr. Morgan: — Good question. And you know, usually WCB is sort of somewhere down the road, but good question. I'll certainly let Peter answer it.

Mr. Federko: — It's on rare occasion that we've been the first to have contacted the family because typically we don't know about it for a day or two. And by that time, typically the police or occupational health and safety has already been in touch with the family, and we are simply following up on that. But there has been the rare occasion where we've had the misfortune of being the first ones to contact them, but rarely, very rarely.

Mr. Forbes: — The reason I'm asking is we've heard of circumstances, and they're tragic. The whole situation unfolds and you try to . . . And it's, you know, where it's actually Facebook has been involved, and the information gets out of the workplace really quickly. And things happen where, you know, I guess in past days, past years, you would have had some time, you know. So it's a really tragic situation all the way around. But I appreciate that answer because when it does happen we want to make sure that things are done as appropriately as we can.

Now again related to WCB, about labour standards and occupational health and safety around the temporary foreign workers, what is the relationship of WCB to temporary foreign workers? What happens when injuries take place that involve temporary foreign workers?

[16:45]

Mr. Federko: — So from a workers' compensation perspective, a worker is a worker is a worker. Their entitlements are the same as any other worker. So we are assuming that, you know, they are here under some arrangements that have already been made with whoever's responsible for making those arrangements. But if they sustain a workplace injury, they will receive 90 per cent of their net take-home pay based on whatever wages they are being paid for the work that's being done, providing of course that they are in an industry that is covered by us.

So as you probably know, farming is an excluded industry. If they are, you know, working as vegetable pickers, and that farmer has not elected to cover those workers, they will not be entitled to any benefits under the scheme, just like any other farm worker. But we make no distinction between temporary foreign, foreign, or one of our own residents.

Mr. Forbes: — So do you have any data on how many temporary foreign workers have been injured in Saskatchewan over the last several years? Do you keep that as a line?

Mr. Federko: — Unless it's self-declared, it's difficult for us to actually know that. If it is a serious injury and they're on long-term, one of the challenges that we have with temporary foreign workers is they often want to go home to recover. And the challenges there are of course ensuring — if they're coming from developing countries — ensuring that they're receiving the proper medical care, that we are continuing to facilitate disability management through an effective return to work. And so in those cases, we certainly would know that they are, you know, a temporary foreign worker. We would have some statistics on it where we have been made aware, but I think the danger with looking at that is we know for certain it is not all-inclusive.

Mr. Carr: — Perhaps if I can just speak to that for a moment as well. From the perspective of the ministry, citizenship is not a qualifying factor in terms of protection. And so from our perspective, whether it's an employment standard issue or an occupational health and safety issue, we take very much the identical approach as WCB. We expect that any worker is entitled to the minimum standard in the protections provided by occupational health and safety and employment standards regardless of their citizenship status.

Mr. Forbes: — Have you . . . Because you know it's happening right across Canada, and it has been in the news an awful lot in terms of temporary foreign workers and how they've been used. And typically, traditionally it's been in agriculture or tree planting and those types of things, but it's becoming very widespread as the labour shortage is a reality. Is the ministry doing anything unique to really help temporary foreign workers?

Hon. Mr. Morgan: — As you're likely aware, through the Ministry of the Economy, they have their own piece of legislation regarding the protections that are there, the prohibitions against charging fees and that because we know that it's of significant benefit of the economy to have a good system of protection for foreign workers because we want them to be able to return back to their home country and be recruiting too for other workers. So we want to make sure that that legislation works well. It's a complex piece of legislation that's been introduced. So you likely will have had a chance to look at it or will have in committee. So we want to make sure that through that tool, through the work done by the Ministry of the Economy, that those workers know the benefits and the rights that are there.

So you and I both attended the function at the College of Law. And I think I spoke fairly vigorously because there was something that, oh well, these people were sort of lost in there, that they've fallen through the cracks. And that's not the case. The fact is we've got . . . Our ministry looks after them as far as occupational health and safety, as far as labour standards. And then they've got the additional protections that are afforded by the Ministry of the Economy.

And I've told people, and will repeat it wherever I have the chance to. If somebody knows of a shortcoming or an abuse involving a foreign worker, we want to know about it. If it's our problem within this ministry, we've got some really aggressive people who will go out and deal with it. If it's something that falls within the scope of where it is, we will refer it over to the

Ministry of Economy to look at.

So if you have somebody that comes into your constituency office and raises one of those issues, let us know on it right away because it's something that we want to be really aggressive in dealing with to make sure that those workers get all their rights so that they don't fall off if there is something that they need, even not necessarily related to workplace safety or labour standards. If it's something where we need to bring in Open Door Society or deal with it with another issue, we want those workers to have a successful career in our country.

Mr. Forbes: — So have you taken any specific initiatives, particularly around, you know, around language barriers, that type of thing?

Mr. Carr: — We in fact have engaged now for four years in a number of initiatives to put basic entitlements under occupational health and safety and *The Labour Standards Act* into a number of different languages. I believe we now have available 16 different versions of that information in various languages.

We also do something quite proactive with the immigration division of the Ministry of the Economy. And we have what is called a HEAT [hear, empathize, apologize, take action] team approach to complaints, and we take a multidisciplinary approach to a complaint that is raised. We partner with the Ministry of Immigration. We talk through them to our federal counterparts at CIC [Citizenship and Immigration Canada] and border services. We work through a very quick process to understand how it is the individual came to be in the country. And from there we work at delivering services, whether those services are entitlement to occupational health and safety information, employment standards, or workers' compensation benefits, or in fact social assistance to allow people to gain certain protections while they're transitioning from a current circumstance to a better circumstance.

Those processes have worked very, very well. The challenge that we have is that we usually find out about them after a crisis has emerged, but it's a very responsive, multidisciplinary effort that I think has worked very, very well when it's been called upon.

We continue to work with our federal counterparts to try and gain some access to information in terms of where temporary foreign workers are employed. We often will get global information that will share with us the numbers of people that are in our jurisdiction, but we have no idea where they're employed until there's a crisis, and then we're doing the remedial work that I described through the HEAT team approach.

We have been working and will continue to work with our partners with the immigration division of the Ministry of the Economy to strike a partnership with the federal ministry responsible for Immigration, and we will hopefully arrive at an agreement around disclosure that will not only give us the detail of where individual temporary foreign workers are employed in our jurisdiction but also will share with us the terms of that engagement so we in fact have an appreciation that in fact they're meeting the terms and conditions of the labour market

opinion that was awarded to the employer in order to proceed to the hiring of temporary foreign workers.

Mr. Forbes: — Well I think it's an important area. And it's one that — you're exactly right — we want to make sure people understand Saskatchewan's a good place to come to, very proud of our traditions and our fairness and safety records and that type of thing.

So I was thinking though that I was a little surprised when I saw some of the stuff in that other bill, that it wasn't actually in Bill 85, and because it doesn't really speak too much to temporary foreign workers. But the job is to make sure that they are being protected, and I appreciate that you're saying that you're aggressively going after that. And being proactive is very, very important.

The other group that when we were out in the fall, we heard talk about farm workers. The farm has changed an awful lot in the last decade or so, and there's a lot of farm workers out there who are working on pretty significant equipment, and they're not covered by WCB unless it's elected that they do cover. And it's one that I actually was thinking that in terms of Day of Mourning, we should recognize farmers who have lost their lives at work over the course of the year. But they're not.

Another group I think just from my sector of teachers, teachers who've lost their lives, but they're not part of WCB. And of course we can think of circumstances where teachers have died tragically in the last year. So it's tough. But I want to just ask about farm workers and what's happening with labour in that area.

Hon. Mr. Morgan: — Because you've chosen to ask about farmers, I will talk about teachers. Teachers have their own protections with their own legislation, so a policy decision was made a long time ago to ensure that their benefits were there. The benefit program that they have through the SFL [Saskatchewan Federation of Labour] is comprehensive. And I don't know whether — STF [Saskatchewan Teachers' Federation], rather — and in any event is comprehensive, works well for them. I don't think we've ever done a comparison. We've had discussions with STF as to whether . . . They choose to keep it as is, so the status quo ensures that that group of people are protected.

However there is a group of people that are not included, and it is the part-time teachers that are not under a contract of employment. And in this round of amendments to the Workers' Compensation Board, that's addressed. Those people will no longer be excluded from workers' compensation. So one of two things will happen. They will either be covered by Workers' Compensation or alternatively we would expect STF may wish to seek amendments to their plan to bring those people into their . . . But one or the other will happen.

Mr. Forbes: — Part-time and substitute teachers?

Hon. Mr. Morgan: — That's correct. And then being as I've now answered the question that you didn't ask, I will let Mr. Carr answer the one that you did ask.

Mr. Carr: — Thank you, Minister. With respect to farm

workers, very, very clearly our occupational health and safety provisions do apply to them. They apply to all workers in the province regardless of the category of the economy they work in. It's often a surprise for farming colleagues to hear about that, but the simple truth is that that legislation is designed and intended to apply in every workplace, regardless of where it is in the province.

You're well aware of the exemption to employment standards that exists in the province. But the one thing that I would share with you is that the wage-recovery portion of that legislation, and particularly in Bill 58, is intended to facilitate the enforcement of any contract of employment that exists between an individual worker and their employer. And so it will be applicable regardless of where an individual works. The challenge will continue to be the same, that the rest of the employment standards provisions are specifically exempted from protections of part II of that bill. When I look at teachers, there are specific exemptions from employment standards that will continue in the new part II provisions as well.

Mr. Forbes: — And farm workers, did I hear you correctly say that because they're contract, they don't . . .

Hon. Mr. Morgan: — No. Contract farm workers or contract workers generally, it used to be there was the argument made that somebody was working under a contract of employment that somehow was outside of the scope of the Act, so we've made it clear that they're there and that doesn't . . . Teachers will be brought back into the Act if they're not covered by the STF plan.

Mr. Forbes: — No, but I'm more talking about farm workers and that farm workers could get benefits out of WCB, but the employer has to pay.

Hon. Mr. Morgan: — You're correct. Farmers have the opportunity to self-insure through WCB, so it's voluntary participation on the part of a farmer. And it's certainly good protection at good value, so the advice I would give any farmer is to choose to participate.

The difficulty around farmers, larger corporate farms, some of those are mandated to participate in any event, but the smaller family farm is where the problem is, trying to define who is an employer and who is an employee. You have a situation where you've got a family farm with a couple and two or three children and maybe a grandparent as well. They all go out and work together in harvest. Who is the employer? Who is the employee? The person that happens to have title of the land, who would in days gone by own or have a permit book? Now it's impossible to determine who it is. At the end of the year, they go to see the accountant together; money is apportioned between them in a most tax-effective manner, and it's really difficult to do it.

[17:00]

In a more complex situation, you'll have a situation where one farmer will get behind. The farmer across the way will come over and help them complete a harvest. Is that an employer, or is that a contract situation? Is that a good neighbour helping out another? And once again, after the harvest is taken off, oh well

we'll call that a crop-share basis or we'll pay you one on a custom combining arrangement or we'll pay for your gas but not your labour. It is just about impossible to define because even when you ask them at the time, they can't do it. At the end of the year when they go to see the accountant, the accountant will make the decision not based on what should be in our OH legislation or WCB, but solely based on being tax-effective.

So when you talk to people in the ag sector and you look for methods of doing it, the best we can do at this point in time is encourage people to participate voluntarily. Sorry for a long answer.

Mr. Forbes: — Mr. Chair, I've concluded my questions. And I just want to thank the officials and the minister for the answers.

Hon. Mr. Morgan: — I would like to thank, as well, Mr. Chair, yourself, the folks that are working here from Hansard — I know they enjoy these days — the committee members and all of the officials that are here. And Mr. Forbes too, thank you for the respectful manner. I appreciate it.

The Chair: — Thank you, one and all. The time now being 5:01, I would ask a member to move a motion of adjournment.

Mr. Merriman: — I so move.

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

Some Hon. Members: — Agreed.

The Chair: — This committee stands adjourned. Thank you, one and all.

[The committee adjourned at 17:01.]