



STANDING COMMITTEE ON HUMAN SERVICES

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STANDING COMMITTEE ON HUMAN SERVICES

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Regina Elphinstone-Centre

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Mr. Marv Friesen
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Mr. Warren Kaeding
Melville-Saltcoats

Mr. Hugh Nerlien
Kelvington-Wadena

[The committee met at 15:30.]

The Chair: — Good afternoon and welcome to the Standing Committee on Human Services. My name is Alana Ross and I am the Chair of this committee. On my left, we have Mr. Matt Love substituting for Mr. Jared Clarke; Ms. Meara Conway; and on my right we have Mr. Muhammad Fiaz; Mr. Warren Kaeding; Mr. Hugh Nerlien; and Mr. Marv Friesen.

I would like to table the following document: HUS 27-29, Ministry of Mental Health and Addictions, Seniors and Rural and Remote Health: Responses to questions raised at the April 4th, 2023 meeting.

Today our committee is also tabling lists from the Law Clerk and Parliamentary Counsel of regulations and bylaws filed with the Legislative Assembly between January 1st, 2023 and December 31st, 2023 which have been committed to the committee for review pursuant to rule 147(1).

The law and parliamentary counsel will assist the committee in its review by submitting a subsequent report at a later date, identifying any regulations that are not in order with provisions of rule 147(2). However the committee may also decide to review any of these regulations or bylaws for policy implications.

I am also tabling three reports from the Law Clerk and Parliamentary Counsel that identify any issues pursuant to rule 147(2) that he found with regulations and bylaws filed in 2017, 2018, and 2019 and any steps that may have been taken to rectify these issues. If the committee chooses, it may bring in the Law Clerk and Parliamentary Counsel to review these reports at a subsequent meeting.

The documents are HUS 25-29, Law Clerk and Parliamentary Counsel: 2023 regulations filed; HUS 26-29, Law Clerk and Parliamentary Counsel: 2023 bylaws filed; HUS 28-29, Law Clerk and Parliamentary Counsel: 2017 report on regulations and bylaws; HUS 29-29, Law Clerk and Parliamentary Counsel: 2018 report on regulations and bylaws; HUS 30-29, Law Clerk and Parliamentary Counsel: 2019 report on regulations and bylaws.

Today we will be considering two bills, one with Minister Cockrill and one with Minister McMorris.

Bill No. 143 — *The Child Care Amendment Act, 2023*
Loi modificative de 2023 sur les garderies d'enfants

Clause 1

The Chair: — We will begin with Bill No. 143, *The Child Care Amendment Act, 2023*, a bilingual bill. Minister Cockrill is here with his officials. I would ask that his officials please state their name before speaking. And just a reminder not to touch the microphones. The Hansard operator will turn on your microphone when you are speaking to the committee. Minister, please introduce your officials and make your opening remarks.

Hon. Mr. Cockrill: — Thank you, Madam Chair. With me today I have Clint Repski, Sameema Haque, and Janet Mitchell from the Ministry of Education. And I'm here today to continue the

debate of Bill No. 143, *The Child Care Amendment Act, 2023*.

Now we, as a government, recognize the value of early learning and early childhood educators, and the purpose of this bill is to update the Act to be in line with the vision and objectives within the federal-provincial agreements that we have signed. The Canada-Saskatchewan Canada-Wide Early Learning and Child Care Agreement and the Bilateral Early Learning and Child Care Agreement provide funding for early learning and child care programs in Saskatchewan until 2025-2026.

Now through these agreements, over \$1.2 billion is being provided to the early years sector to improve access to child care spaces across the province, and we continue to increase spaces. We capped parent fees at \$10 a day in April of 2023, and in October of 2023 we announced another wage enhancement for early childhood educators here in Saskatchewan. These are all being accomplished through this funding.

These amendments to the Act demonstrate that we are committed to improving support for early childhood education programs and services for Saskatchewan children and Saskatchewan families. I'd like to just outline a couple of the amendments here before we get into discussion.

Section 7 outlines the requirements for the establishment of regulated child care centres. Section 10 develops requirements for the establishment of parental advisory groups at regulated child care centres. Sections 18 and 18.1 create the requirements for the issuance of child care facility licences after cancellation.

Section 25 provides the minister the authority for payments and financial oversight to do the following: to support core child care services, to make grants to former facilities, and to make grants to or on behalf of parents respecting child care facilities that have closed. Lastly section 25.1 provides the minister with the authority to request data or financial information from the facility to recover any overpayments and to increase transparency and accountability of public funds.

The Act also repeals outdated terminology and other drafting updates to align the Act with current practices, new requirements, and forthcoming improvements contemplated in both of the bilateral agreements.

Now these amendments were identified through both internal review in the Ministry of Education and through consultation with the regulated child care sector. I'd also like to thank the Ministry of Social Services and our early learning and child care stakeholders who provided input on these amendments. These amendments will further support families, early childhood educators and continue to drive strong economic growth in the province.

And, Madam Chair, I'm pleased to answer questions related to Bill No. 143, *The Child Care Amendment Act, 2023*.

The Chair: — Thank you, Minister. I will now open the floor for questions. Ms. Conway.

Ms. Conway: — Thank you, Chair. Minister, just wondering if you could provide a bit more detail about the stakeholders that

you consulted with on the Act. That would be great. Thanks.

Hon. Mr. Cockrill: — Maybe I'll just start, Madam Chair, and then I'll let both maybe Sameema and/or Janet, you know, speak more directly to the external stakeholder consultation.

Obviously, as I mentioned in my opening statements, many of these amendments came to be through, you know, again folks like we have here today — internal ministry staff who work with the child care sector partners on a daily and weekly basis. You know, obviously we did significant external stakeholder consultation as well and received, you know, numerous supportive responses to these amendments.

You know, again folks like Georgia Lavallee from SECA, the Saskatchewan Early Childhood Association, several individual child care providers, both home providers but also centre providers as well. I'm just looking here at the list of folks that we consulted with. YWCA Regina as well as . . . We know the YMCA and the YWs in this province are some of the largest child care providers in terms of number of seats. And so again, certainly significant consultation out there with external partners.

Sammi, Janet, do you have anything to add to that?

Ms. Mitchell: — *The Child Care Act* is of course terribly interesting to early learning and child care stakeholders. And we have spent a considerable amount of time with them over these past few years as we've been implementing the agreements. The invitation list went out to quite a number of stakeholders, and a relatively small number attended the very specific consultation on this. But it was very positively received, I think.

Ms. Conway: — As the critic in the area, I also struggled with that. It's not terribly interesting, and I recognize that this Act is a whole lot of housekeeping. But it does kind of fit into that larger picture of pursuing and hopefully achieving some of the targets and goals outlined in the provincial-federal agreement.

I guess what strikes me as one of most substantive changes is the stuff around wages. It gives obviously the ministry authority to . . . I'm guessing that the crux of those changes are allowing you to set that wage grid that we've heard so much about. So I recall last estimates in 2023, I believe the wage grid had still not been announced. I had been told the year previously that it was on the way and that it would be released that year. That was 2022. I still haven't seen a wage grid.

Minister, can you speak to that? Where are we at with the wage grid, given that that wage grid will have such an impactful role on being able to retain workers in the child care sector?

Hon. Mr. Cockrill: — Thank you, Madam Chair. In response to the question, I mean obviously, you know, certainly as I have met with child care centres around the province, obviously attracting people to the sector is a major priority, and certainly to do that there needs to be competitiveness from a wage perspective in order to recruit and retain quality people as early childhood educators.

You know, again the government, through the agreement, has done several things, whether that's, you know, different workforce grants or to provide training to individuals seeking to

get into the early childhood education space. So in practice, and I mean the member would know that there's been a couple of wage enhancements now provided for through the money coming from the agreement — you know, wage enhancements up to an additional 7.50 per hour in some cases.

[15:45]

And what we've done with those wage enhancements is really start to delineate between the three levels of ECE [early childhood educator] education, you know, I, II, and III. And so in essence, in practice there's been a wage grid developing already in practice.

Again what this legislation allows us to do is gives us the authority to have something more formal in place when it comes to a wage grid. But again through the wage enhancements that have been provided, already that is creating the grid where there's delineation between the levels of education and starting to provide for that.

Sammi, is there anything else that you want to add particularly on that point?

The Chair: — Minister, can I just . . . A quick reminder to have your officials introduce themselves when they start. Thank you.

Ms. Haque: — Sameema Haque, Ministry of Education. And I would add to what the minister has already said, is this is a fundamental change in the child care sector for this province, from going to predominantly unregulated child care sector to a highly regulated child care sector. As part of that transformational change, the workforce needs to be developed.

We didn't have a lot of the workforce with the certifications, so it's been important for us to kind of invest in getting the workforce to be trained and seeking those certifications and provide a balance between the wage enhancements as well as the educational opportunities and support for those opportunities.

So there is a level of internal equity as well within the workforce as we move through that because many of the traditional long-tenure child care workers did not have previously any certification. So as they seek certification, we've also continued to provide supports through wage enhancements, workforce grants, as well as educational opportunities and financial support for those educational opportunities. It's a parallel approach to developing the workforce.

Ms. Conway: — Thank you. Thank you for that. So I've had the privilege of working on this file for a few years, so I'm very familiar with the file, with the wage enhancements, with some of the training opportunities, with some of the grants. I know of course a lot of, many child care providers weren't eligible for some of those enhancements for various reasons.

And I fully acknowledge there have been steps in the right direction, but what I've been hearing clearly from the sector is this need for a formalized wage grid. And during my conversations in the past with the previous minister of Education, I was led to believe that a more formalized wage grid would be coming. And based on my conversations with the sector, there are many stakeholders that were led to believe that as well.

Am I hearing now that there isn't going to be this formal wage grid coming out? I'm confused. Each time . . . Like so in previous estimates, we had had conversations about when we might expect the wage grid, and often there were timelines around that. Am I hearing now that a formal wage grid is not going to come into effect? Of course it's going to acknowledge all of those things that you mentioned, Minister, the differentiation between ECE I, II, III, director, all of that. I had understood that a wage grid would be coming out as part of this larger work of the funding model and a workforce strategy. Is that not the case?

Hon. Mr. Cockrill: — I would say I don't think that'd be a fair characterization. I mean again, I mean as I outlined, you know, in practice what we've done with the wage enhancement grants is, as I said, creating a delineation between the levels and providing some overall structure and really, you know, getting us to a place where there's knowledge province-wide about where wages are going for those various levels, certainly again with legislative authority to start I guess delivering on parts of the agreement.

I mean again, the formal wage grid is something that we continue to work on, you know, so I don't think it'd be a fair characterization to say that it's not going to happen. It's something that we continue to work towards. As I said, in practice, you know, I think the wage enhancement grants have moved us in that direction.

And then with this legislation, again we're . . . I've used the metaphor of, you know, building an airplane while you're mid-flight with kind of the regulated child care space, and I think that's something that as we continue to move forward with these agreements, we continue to build the airplane. We're still in the air, so you know, we need to continue providing quality child care around the province in communities to parents and families.

And again I think, as you outlined, many of the amendments in this Act are largely housekeeping in nature and again, formalize some of the things that we need to do on a provincial level to deliver on the agreements.

I mean I would caution that again, as I said in my opening remarks, you know, the agreement provides funding to be delivered through the province to the end of '25-26. And so we're mindful of that, and you know, are having discussions with the federal government about ensuring that there is some predictability beyond that. Because again any time that we create something that's longer term in mind, we want to know that there's some — to use another aviation example — we want to see that there's some runway there going forward. So we're just mindful of that as well.

Ms. Conway: — Minister, I think I'm hearing that a wage grid will be forthcoming. Understanding that there have been wage enhancements as we transition and make steps towards the ultimate goals outlined in that Act, when will that wage grid kind of become formalized? When can we expect to see that in the sector?

Hon. Mr. Cockrill: — So as I said to the member in my previous answer, again with the wage enhancements that we provided, we're working on ensuring that the sector is competitive across, you know, other similar types of human service sectors across

the province.

Again you know, as we look beyond 2025-2026 and continue to have conversations with the federal government about what that funding model looks like long term, I mean a wage grid would be part of that funding model, but again understanding, you know . . . So in terms of a specific date I think that's part of, I would say that's part of the discussions that we're having with the federal government to understand kind of what's coming in so that we can create policy that's sustainable and predictable for child care operators.

I mean I think again I would highlight where we've gotten to now after the most recent wage enhancement grant is a place where, you know, I think very competitive compared to what's going on in Alberta and Manitoba. I mean looking at Saskatchewan on average is, you know, offer of ECE wages is at just over \$24 an hour. Manitoba is at 22.26 an hour, and Alberta's averaging 23.68 an hour in the ECE sector.

So I mean certainly, you know, we recognize that there is transiency between Western provinces, and so ensuring what these wage enhancement grants have ensured, that we're at a competitive place. But again to have something more set in stone, I guess, you know, that's the give-and-take of understanding what's going to be in the sector after 2025-2026 before we can lock in something more firm on a wage grid.

Ms. Conway: — So no wage grid before the agreement expires.

Hon. Mr. Cockrill: — Well if we can continue to work with the federal government, obviously we want to get a renewal agreement signed before the end of the current agreement. That would be the hope from a provincial perspective. Obviously lots can happen between now and then, but that's certainly what we're working towards in terms of, you know, negotiating our action plan between now and till the end of this current agreement, and then we'll begin to start working on what's beyond that.

You know, again being mindful from a provincial policy perspective of knowing what's coming down the road so that we can plan accordingly and structure the sector appropriately.

Ms. Conway: — Minister, I'm having difficulty parsing your answer on this. It sounds like a backtrack on that commitment to the formalized wage grid during the life of the agreement.

I'm going to bring your attention to the comments of your predecessor. This is April 13th, 2022 in *Hansard* at estimates. He indicated:

And as you mentioned as well and as you've noted [this is a quote], we have made a commitment to develop a wage grid and make progress on implementation. And I would expect that that work's going to take us through probably to the end of 2022.

Now the end of 2022 came and went, and I brought the wage grid issue again to your predecessor on, this is April 4th, 2023. And he said, this is a quote, "A portion of those would be operational." He's talking about operational child care spaces. Then he says, "That's why we are focusing on the expansion strategy this year

as well as the workforce strategy as well as things like a wage grid.”

We still don't have a wage grid. We have wage enhancements. We had those last year. We had those the year before. The sector wants a wage grid because the sector acknowledges that in order to truly get at the equality and retention issues that we see in child care, we need a wage grid.

And the opposition has always been very concerned that this government was quick to announce \$10-a-day daycare, but when it comes to doing the hard work under this Act of expanding spaces and creating a well-trained, quality workforce that is well remunerated and remains within the sector, we haven't seen action on that. And a big part of this is the wage grid.

So yes or no, will there be a wage grid before the end of the life of this current agreement? And when could we expect that wage grid?

[16:00]

Hon. Mr. Cockrill: — As I said, you know, a lot of the conversation around child care I think probably that we'll have today and we've had in other forums, you know, leads back to ensuring that we have predictability on the agreement with the federal government going forward.

I guess I would just, I would remind the member, I mean to define a wage grid, I mean we are defining specific wage levels or specific wage minimums for specific levels of education that are above the provincial minimum wage, right. And so, I mean, it's making it clear to operators that, here's the minimum for ECE I; here's the minimum for ECE II; here's the minimum for ECE III.

And you know, so when it comes to a wage grid, as I said, in practice we have that now. We're providing these wage enhancements to top up and to ensure that employees in the child care sector are compensated commensurate to their levels of education. You know, the work I think that perhaps you're referring to and the work that certainly we are working on getting closer to a resolution on is — again once we get an understanding from the federal government in terms of their plans long term on child care — is formalizing the funding model and to make sure that there's some work and formal guidelines on that.

But again, in practice as I've tried to outline a little bit here, what we have provided through these wage enhancements is essentially a wage grid. You know, again compensating different levels of education appropriate to those levels.

Maybe I'll just ask Sammi to make a couple more comments on where we're at currently.

Ms. Haque: — Sameema Haque, Ministry of Education. From our perspective, when you look at a grid, a grid can be defined many ways. As we develop the sector, we're looking for more and more people to be certified and to seek their different levels of certification from level I to II to III. And we are ensuring through our wage enhancement grants to ensure that the operators have the ability to meet the requirements that we've set forward for them for minimum wages for these different levels and to ensure that the wages are comparative for each level across

our neighbouring provinces so that we remain competitive for the workforce.

In addition to that we are looking at workforce grants which allow the operator to determine what additional benefits and enhancements that they want to provide their workforce to allow for recruitment and retention. The workforce grant that we are providing operators is completely flexible and at their discretion as to what kind of benefits they want to provide their employees to support the well-being of the employee, whether it's through different programs, different educational opportunities, workshops, or paid benefits of any kind. So these are recruitment and retention incentives.

The operators have been very satisfied with the ability to be flexible in regards to having that workforce enhancement grant to add on to the wage enhancement. So the compensation is set as a grid that's above the minimum wage grid, that distinguishes between the three levels, is based on a comparison with other jurisdictions. And we continue to look for cost drivers and continue to enhance our provincial supports accordingly. And also in addition we've provided an additional grant with the flexibility for the operators to determine other supports they want to provide their employees.

Ms. Conway: — Thank you. Minister, we can have a debate about this idea of a wage grid as a term of art, but this is a term that I have used, and this is a term that your government has used, and it's a term that is used in the sector. Because a grant-based model, wage enhancements, these are, while needed, are piecemeal and short term. And I think the hope is to see us transition to a systemized early learning and child care sector that is affordable, accessible, and high quality, eventually irrespective of how the federal government might feel about that.

These are lofty goals and these are goals that Saskatchewan people deserve to see realized in their province. And part of getting there is to entrench some of this system. And I think that that is what the sector is expecting, a wage grid. That's my understanding. So I'm a little concerned to hear that it sounds like nothing further should be expected in the near future and certainly before '25-26.

I'm going to propose to move away from this topic unless there's something more you want to put on the record. I invite you to do that maybe in answering my next question. But I want to ask next about section 10, which is the mechanism whereby a child care centre . . . So previously, my understanding is, the assumption is that a child care centre will be governed by a board of directors, the majority of which are parents who fulfill a certain criteria. That existed under the old Act. Similarly under the old Act if there wasn't a board made up of parents, there was a parental advisory committee.

And my understanding is that the change under this current Act is that the minister may exempt a licensee from the requirements of having a parental board of directors or a parental advisory committee if, in the opinion of the minister, it would cause undue hardship or an exemption should be granted in the public interest.

Minister, am I right that that last section is the addition under this Act? And can you talk about why that change, and what circumstances you would envision requiring a board of directors

made up of parents or an advisory committee made up of parents causing undue hardship and/or when it might be in the public interest for the ministry to grant an exemption in that situation?

Hon. Mr. Cockrill: — So maybe I'll just share some context as to, you know, the reason for section 10 in the legislation. I mean I mentioned earlier, for example, I mean the YMCA and YWCA are two of the larger, if not the largest, child care providers in Saskatchewan, and obviously with multiple centres, right. And we're not, you know, as they expand and open a new centre, the ministry's not asking the YMCA or YWCA to change the makeup of their board of directors to necessarily include parents that are there, right. I mean, those are organizations that do multiple things in our communities.

And so, you know, again section 10 allows for a larger organization — like using those two for example — to continue with their planning in terms of board succession and board composition but ensures that there are parental advisory groups, you know, at the various additional locations that those organizations might open over time.

Now when it comes to, you know, an exemption and a potential situation where an exemption may be in the public interest, obviously we want to make sure that . . . you talk about how important accessibility is in the child care space, and certainly, you know, you and I are both parents of young children. I mean having the continuity of a child care facility is absolutely important.

But obviously with that you're going to have some . . . You know, say there's a dysfunction and there's now low participation in a board or advisory group. You know, obviously the ministry would work on a case-by-case basis to offer an exemption to kind of let that group reform. Otherwise, you know, we don't want to just shut down a child care centre because there's not necessarily participation on a board or a parental advisory committee.

So you know, obviously children age out of child care and new parents are coming in. So again, the focus of the amendment is to allow for this, as organizations open up multiple locations and allowing for parents to still be involved in the overall governance. And then, you know, as I said, the exemption piece is really to ensure that we can allow continuity of centres and ensure that if all of a sudden there's no participation, then we don't need to say, hey, you're out of line of your licence. We've obviously . . . The continuity piece, and I'm sure you would agree, is important in these sort of situations.

Ms. Conway: — So previous to these changes, centres with multiple locations, were they just required to have just one board of directors, or were they required to have board of directors at all of their multiple locations?

Hon. Mr. Cockrill: — So yeah, under the existing, no more than two centres, you know, under one board of directors. So I mean obviously, you know, we do want to encourage organizations like the YM and the YW to continue to open spaces.

[16:15]

So you know, again we think this will allow growth of regulated

spaces in the sector. We still have to balance that with how do we ensure that parents are involved. I mean if an organization has five or six locations, we still want there to be parent voice in that. I think that's important. But then again, ensuring that as parents transition in and out, you know, based on their kid's age, or move in or out of a community, that the continuity piece can be preserved.

Ms. Conway: — Yeah, Minister. It just struck me, I guess, that it wasn't long ago that we had an emergency session here about so-called more parental inclusion in children's lives. And it's a bit of a contradiction that you're presiding over this change under the Act that actually allows for situations where there would be less parental involvement. I think that's fair to say. Do you agree?

Hon. Mr. Cockrill: — Well I don't think that's quite a fair characterization. You know, again considering if a family is accessing \$10-a-day child care in our province, are we going to shut down a facility because parents have decided not to be on a parental advisory group anymore? I think this is a reasonable change to really ensure the continuity piece.

Obviously we want parents to be involved in their children's lives, you know, at any stage, whether that's in the early years or whether that's in pre-K to 12 [pre-kindergarten to grade 12] education. We would encourage that of course, and we hope that parents are engaged. But I think what this change allows is again really preserving the continuity of child care.

Ms. Conway: — Minister, can you just speak to . . . Like it does seem that if you can find enough parents to be involved in an advisory committee, it might be reasonable to expect you could find enough parents to be on a board. Can you speak to some of the challenges there that these changes are addressing?

You know, I agree with you, we shouldn't be closing down child care facilities if there's a lack of parental engagement. I didn't know that this was a challenge being faced by some of the child care providers — a lack of parents stepping up to be part of that process. And if this is a change very much in response to that, it makes sense. But could you speak to that differentiation between the board of directors and the parental advisory committee, and why, if you've got one, why not just make it a board with a little bit more ability to kind of guide and have input in the centre?

Hon. Mr. Cockrill: — You know, to answer that question, I would say I'd go back to my previous example of, take YWCA Regina. I mean obviously that's an organization that does much more than just child care, but they do operate child care facilities as well.

I mean the legislation . . . You know, obviously we all know the YWCA in Regina does excellent work, and they have done a good job at recruiting people that are interested in that organization and contribute greatly in terms of, you know, contributing in a board capacity. I mean obviously it'd be great if there were, you know, if the board was filled with parents. But again if you're running a multi-faceted organization, you need different professionals on your board, whether that be a financial or legal professional, you know, if you're going to run a board for an organization of that size.

You know, so again, we have to let those . . . we have to respect

those organizations, you know, structure their board in a way that's reasonable for all the offerings that they do. But when it comes to an individual facility — again using the YWCA as an example — I mean if they have a child care facility in east Regina, there's a requirement to have a parental advisory committee of parents whose children attend that facility.

And you know, I think that requirement to have parental voices is certainly reasonable and something that — again as a parent myself with a child, you know, accessing child care — certainly I'd hope that I'd have an opportunity or a forum to have my voice heard if I had any concerns, or you know, desire to be more involved in my child's child care facility.

And again going back to the exemption, you know, we require the parental advisory committee. But you know, as families come and go, age out, age in, again I think the exemption allows some flexibility there to ensure that there's good transition over time.

Ms. Conway: — Thank you, Minister. Am I correct though that, like with the YWCA as an example, am I to understand that the board of directors of the YWCA, like writ large, was responsible for the child care? Or they would have had a separate board of directors specifically for their child care or, as you noted, at least one board for two facilities?

Hon. Mr. Cockrill: — Well again, continuing to use the YWCA as an example, and you know, perhaps we should have invited Melissa to committee here today and she could provide more detailed comments on, specifically, board governance and organizational governance in her organization.

You know, again using that example, I mean my understanding is they would have one board for their whole organization — obviously child care being one of the services that they deliver in Regina — you know, a single board for their entire organization. But again, this legislation allows for that parent voice to be heard at each individual child care centre that they may run.

Ms. Conway: — So presently the Y, the overall Y's board of directors had to have a majority of parents with a child enrolled at one of their child care facilities?

Hon. Mr. Cockrill: — Yeah, to meet the licensing requirements, that would have been the existing requirement. But as we know we want, you know, with the goal here of making child care more accessible and expanding it across the province, obviously at some point that becomes impractical, right.

And certainly again using the YWCA as an example and thinking about all the services that they do offer in the city here, it's not necessarily practical for one ministry to determine to them, you know, the structure and composition of their entire board. And I think this . . . Again these changes allow for that parental voice to be present but without kind of interfering in the operations of the entire organization, if that makes sense.

Ms. Conway: — Noted. I just want to though go back to that. Is it not the case that the Act does provide for situations where you won't have a board of directors that are a majority of parents or a parental advisory committee? That is a possibility now under these changes, that a child care facility will have neither.

Hon. Mr. Cockrill: — Sorry, can you just repeat that question? I'm sorry.

Ms. Conway: — Correct me if I'm wrong, but the changes introduced under this Act now mean that child care centres, if they are granted such an exemption, will not need to have a board of directors made up of a majority of parents or a parental advisory committee. So specifically that the Act allows for exemptions so that that parental involvement isn't there at either the board level or the advisory level.

Hon. Mr. Cockrill: — Yeah, I mean if we're in the forest of hypothetical situations I guess that could happen, but any exemption would be on a temporary basis. But you know, and certainly the ministry would work with the operator to ensure that the parental advisory committee comes back online or that, you know, if it's a smaller one-off operator, that there would be a return of parents to the board, if that makes sense.

Ms. Conway: — Minister, the change around the board makes a lot of sense to me, and especially with regards to the Y. The removal of a requirement that there's an advisory committee is more concerning to me. As a parent with kids in licensed child care, it seems like that would be a very low-barrier way to get parents involved. It wouldn't require the commitment of a board of directors. Surely that could be set up in a way that, you know, you could get parents' feedback and involvement very easily if done right.

So I guess like also combined with some of the rhetoric we've been seeing come from your government and you particularly in your role as Minister of Education, I'm a little surprised by that change given that an advisory committee seems to be a good solution to some of the challenges you've identified around requiring that a majority of parents with children in the facility be on the board.

Hon. Mr. Cockrill: — Well certainly, Ms. Conway, as you point out, I'm a strong believer in the involvement of parents in education. And again I think characterizing this legislative change as a work around parents I don't think is accurate. In fact I think it actually strengthens the opportunity and the ability for parents to be involved.

I mean, you know, if we work on kind of a hierarchy there, if there's no parents on . . . You know, there's a requirement for parents to be on the board, but if that requirement can't be met, there's a requirement for a parental advisory committee. And obviously in a very rare circumstance where, you know, again a parent's child ages out, or you know, there would be a rare exemption by ministerial order, certainly the ministry would be working diligently to work with that centre and that operator to find parents to be back involved.

[16:30]

I mean another example that we were just talking about was, take for example if, you know, in the example of a parent that is under the age of 18. Maybe by a board's bylaws they're not able to be a member of the board. And so there's, you know, these sort of situations, they would be odd — not odd but they would be certainly unique circumstances.

And I think what really this legislation is trying to do is to ensure that parents can be involved. But as we . . . [inaudible] . . . on child care across the province, as larger organizations are doing some of that expansion, you know, the inclusion of parental advisory committees is a key part going forward. But certainly having the flexibility again in the case of where not meeting these requirements may threaten the continuity of operations, obviously we want to make sure that operations can be continued, and we work on, you know, engaging parents at that particular centre.

Ms. Conway: — Thank you, Minister. Yeah, I mean I would just push back against this idea that these changes strengthen parental involvement because they do the opposite. There may be good policy reasons for that, but the involvement of parents in the board of directors and the advisory committee, that pre-dated these changes. What these changes introduce is this idea that that requirement can now be exempted. So to say that it strengthens parental involvement, I would push back on that strongly.

I have a question about exemptions. Because actually under the Act I just noticed that — and it kind of maybe makes subsection (3) a bit redundant — under section 28 of the existing Act, the ministry can really exempt the requirement of any part of this Act at any time, it seems like, if it is in the public interest to do so. I guess this just introduces this idea of undue hardship.

Can you speak to what happens once you've granted an exemption for anything under the Act? What then happens? Is there like a review in a year or . . . I couldn't find that under the Act. I don't know what's practically done when exemptions are granted under this Act, so could you speak to that?

Ms. Haque: — So exemptions are, ideally want to be very specific in regards to exemptions rather than overarching exemptions. This is a very specific exemption. Again, as the minister mentioned, it's important for us to have parental involvement and their voice heard in the governance process. So this exemption really provides for that very specific rare scenario where there is a situation where we need to address a particular unique circumstance.

And in regards to the follow-up process, our follow-up process is to immediately look towards resolution of whatever issue has led to an exemption. And the ideal state is to bring the operator into compliance with the legislation overarchingly and not be in an exemption situation. So these are time-bound, very specific. We're looking to resolve the issue, whatever it may be, and then bringing the operator into compliance into a normal situation where it's operating under the legislation as it exists without the exemption.

Ms. Conway: — Thank you. Am I correct that . . . Am I right? Sorry, I looked more closely at the amendment Act than the original bill. Am I correct that those strict timelines and those steps that you've described are not in the regulation? Is that fair to say that's just Ministry of Education policy?

Ms. Haque: — Those would be procedural elements that we would address through policy and our standard operating procedures.

Ms. Conway: — Does the ministry track data on how many

exemptions are granted under the Act and what requirement is being exempted?

Ms. Haque: — Exemptions are dealt with at the consultant level. We don't consolidate them centrally. But exemptions are a very temporary situation and they are an active file. Our consultants work on them until the issue is resolved and the operator is in compliance.

Ms. Conway: — So, Minister, if an exemption was granted for having parental inclusion in a child care facility, that wouldn't be centralized or dealt with by your ministry. It would be left to an individual consultant to address that. It wouldn't be tracked by your ministry. It wouldn't be dealt with by staff of the ministry. It would be dealt with by consultants. Is that correct?

Hon. Mr. Cockrill: — Your support for parental involvement is noted. I will take note of that here at committee today and thank you for that. You know, as Sameema just outlined again, any exemption is temporary. That's based on an active file that is managed at the consultant level. I mean these consultants are Ministry of Education staff. Again these files are worked on through each individual consultant, rectified, and then the exemption is no longer necessary.

But certainly I mean as with any part of the legislation the . . . I know again I've spoken with consultants on different files, and you know, obviously consultants are working diligently if there's anybody out of compliance in a particular area, working with those centres to bring them back into compliance.

Ms. Conway: — Minister, one concern I have is, the intense workload of consultants is well known. How do you know that these are being worked on and rectified if they're not being centralized or tracked, like centrally?

Ms. Mitchell: — Janet Mitchell with the Ministry of Education. The work of our consultants is complex, and they are dealing with facilities that are operating all across the province and often facing some challenges that are unique to their particular situation. So when there is an issue like that, we trust our consultants, and we expect that they are going to try to resolve them as quickly as possible, work with the facility, figure out a way to get the whole situation back into compliance.

Sometimes that doesn't work out and then we need to escalate it within the ministry. And so we have a structure that involves program managers that work directly with the early learning and child care consultants. Again many situations would get resolved then at that program manager level. Then we have a director who's responsible for child care operations, and that position certainly would deal with some situations like that, absolutely.

When on the rare occasions that wouldn't get resolved, then it would be escalated to the executive director level, and so that would be to myself. And I would see very few things that come to me, because they have been able to be resolved at the local level.

There are exemptions that we track. So for example, we track early childhood educator exemptions, and you know, because those take a little longer . . .

Ms. Conway: — You mean the ratios?

Ms. Mitchell: — I'm speaking of if someone doesn't have their ECE I, but they're working on getting their ECE I. So we can still ensure that that facility can hire that person and work with them, but it just won't be resolved very quickly. So we certainly do track to make sure that we're counting, you know, those sorts of things.

Ms. Conway: — So you track exemptions for the workforce when you don't have, like, a certain level of ECE I's, II's, and III's. That's data you do track, correct?

A Member: — It is, yes.

Ms. Conway: — Can you give me examples of other exemption scenarios that come up on a fairly regular basis?

[16:45]

Ms. Haque: — So as we've mentioned, and I just want to reaffirm this, that exemptions are not common. Exemptions are very rare. The most common, within those rare exemptions, would be where we would increase the number of spaces that a licensee is allowed to have due to some temporary issue in a centre that's close by.

So if there is a reason that a centre in town X has to close due to structural issues or something else that they need to address right away, in order to accommodate the displaced children, we would temporarily provide an exemption to surrounding child care centres and increase their allocation for child care spaces, provided they meet the other requirements and can get the workforce, and allow the centre that's affected to address the issue and take the remedial action until the children can return to their regular spot.

That is the most common example, I would say. But in those cases, as Janet has mentioned, we work diligently, and there is very regular communication between the consultant and the program manager and the operator as to how they're addressing the issue, where they are with their remedial action, what progress they've made, and how soon the children can be expected to be back in their regular centre.

Ms. Conway: — Thank you. So for example at estimates, if I were to ask how many exemptions were granted in the last year around this issue of spaces, would you have tracked and be able to say, X amount; this is where; and this is why; and this is how quickly it took to resolve? Any of that?

Ms. Haque: — We could make our best effort.

Ms. Conway: — It sounds like you do track exemptions to some extent in a way that, you know, you could be providing some data at these kinds of opportunities.

Ms. Haque: — It is a very paper-based system. Again I would say that, you know, this sector has very passionate workers, whether it's the external workforce or the ministry workforce, and so addressing any exemption situation is a key priority for the team, and they continue to look at it until the issue is resolved. This is why this has never been an issue where we've had to track

because it's been an open file for longer than a few days to a week. But certainly even with the paper-based system, we could make our best efforts.

The reason we track the exemptions related to workforce specifically are because there is an expectation right at the start of that exemption that this will take some time. These individuals are in the workforce. They are working full-time as they seek their certification level. So to support the workforce development, to support that they get their certification and are eligible for those wage grants, we want to make sure that we support them through this time period. That is usually the most extended time period that we see an exemption for. The others are very, very temporary.

Ms. Conway: — Thank you. Yeah, I didn't expect to ask questions about exemptions. I kind of stumbled into the topic and realized it's not something I know that much about. So thank you for those answers.

The term "public interest," it comes up in the provision we were just discussing, and it comes up in other places throughout the Act. And then the new exemption possibility for parental advisory committees and parental board of directors, also there's an opportunity for exemption under where it would cause "undue hardship." So that's kind of a new concept introduced under the Act, so I'm just wondering if the ministry has a working definition of "public interest" and "undue hardship."

Hon. Mr. Cockrill: — You know, so the terms that you've outlined, I mean certainly I'd say we have a strong degree of trust in our consultants in the ministry in terms of helping to evaluate a situation and determine what is in the public interest. And obviously when we talk about public interest in the context of early years care, early years education, it's really around child safety, right, and ensuring that children have a safe place, you know, to be going every day.

So you know again public interest in that regard, that's obviously one of the key hallmarks is ensuring that children are safe, whether they're receiving child care in Moose Jaw or Regina or Buffalo Narrows, you know.

And when it comes to undue hardship again I think, you know, again placing a high degree of trust in our consultants to evaluate situations knowing that there's going to be situations that our consultants come across that we haven't seen yet in other communities or elsewhere in the province. And you know, the conversation that we had earlier about continuity of care, right, again we don't want to create undue hardship where the continuity of an operation could be affected because again then that becomes against the public interest in that community, say for example, right.

So certainly I would say, you know, how we would define public interest and undue hardship . . . Again I've got a high degree of trust in the consultants and the early years team in the ministry, as they work through individual situations with individual operators, to raise issues, you know, where there may be public interest issues or issues of undue hardship. And then so we can evaluate, you know, if an exemption is necessary, for example, if we're going to talk about exemptions or talk about how we will work with that individual operator to get to a resolution.

Ms. Conway: — Minister, I'm sure you have every good reason to trust and put faith in ministry staff and consultants. My question is a little more straightforward. I'm just wondering if there are guiding documents that exist within the ministry around how to define and conceptualize those concepts of public interest and undue hardship.

Hon. Mr. Cockrill: — Well again I would . . .

Ms. Conway: — And I guess follow-up to that: do those documents exist and like, would they be available to share if they do exist?

Hon. Mr. Cockrill: — Yeah, those guiding documents, you know, don't exist in this context, again because our consultants are dealing with a variety of instances and situations around the province in a variety of communities. And certainly we don't want consultants to be in a situation where they're not able to work towards what may be public interest in an individual community. So again I think I do have good reason to trust our consultants to ensure that those concepts are met.

And I would say too, I mean obviously there are manuals and other documents in place that child care operators around the province, you know, work from in terms of understanding how to operate their facility. And I would say that those manuals do offer some broad guidance in terms of what is in the public interest for children and families.

Ms. Conway: — Of course, Minister, under the Act it's the minister that grants the exemption under the public interest. So can you speak a little more to how that public interest is conceptualized under the Act?

Hon. Mr. Cockrill: — You know, ultimately as the member points out, I mean authority lies with the minister on exemptions. You know, certainly there are examples where I've delegated that authority to officials within the ministry who are dealing with operators on a more day-to-day basis. But certainly when it comes to, you know, me evaluating any exemption or public interest, obviously as I said earlier, the wellness of the child; the wellness of the family; certainly the continuity of the child care operation ensuring that operation, if it is a safe place for child and family, that it can continue to serve many families in that community.

So you know, again there's been minor circumstances where I can think of where, you know, I've delegated authority to officials to deal with the situation, you know, bring someone back into compliance. Obviously for any larger instance, you know, when it comes to child safety, that would be my purview and my authority to grant any exemptions if I deemed them reasonable.

Ms. Conway: — Thank you, Minister. I want to just shift gears here for a moment and look at section 18. This is the section of the Act that deals with situations where a licence can be amended, suspended, or cancelled if the minister considers it to be in the public interest to do so.

Sorry, just bear with me for one moment. So the existing section is amended. This is an interesting change because it brings about more strict requirements and timelines around how to then deal

with that suspension or cancellation of a licence.

I want to ask you . . . Last time we had an opportunity to ask questions about this subsection, we spoke about Grace ministries and their child care facility, and I asked whether their licence had been cancelled given the pending class action lawsuit related to Legacy Christian school. And at that time Simbo Olubobokun was still the director of that child care facility, and the ministry had not seen fit to suspend or cancel the licence of that child care facility. Is there any update on that?

[17:00]

I know that your predecessor had made some comments about what might happen if certain things came to pass. Is that still a licensed child care facility directed by Simbo Olubobokun?

Hon. Mr. Cockrill: — So the child care facility that you've asked about, it is still licensed. It's not being operated by those individuals any longer that are accused in the litigation. Those individuals are not allowed on the property during any operating hours where there may be children present.

There's been increased oversight from the ministry at that particular facility in terms of ministry staff attending all the board meetings, you know, increased visits in both announced and unannounced, unannounced meetings with the parents at the facility. And I would just, you know, confirm that there's been no complaints from the parents of the facility in terms of the quality of care that children are receiving there.

So that site is still operational, still licensed, obviously with some pretty significant conditions on the operation. And the licence overall is conditional as well in terms of them continuing to meet those standards. And again the ministry I would say is, you know . . . that would be a high degree of involvement from the ministry in terms of ensuring oversight there.

Ms. Conway: — So when I last had an opportunity to ask questions, those conditions were in place and I was told that oversight was also in place. But Simbo is still the director of that child care facility, correct?

Hon. Mr. Cockrill: — Yeah, that individual is no longer on the board, no longer working at the facility, to my understanding.

Ms. Conway: — No involvement in . . . okay, okay.

Hon. Mr. Cockrill: — And I mean again, sure you can appreciate that the level of oversight is, it's important work being done by the ministry, but it's not . . . I mean it's fairly significant work undertaken by ministry officials to ensure child safety and child wellness going forward. So I mean those are pretty significant conditions, I would say, for an operation.

Ms. Conway: — One of the gaps that I've noticed just kind of in consideration of that case, which at the time I was surprised that it didn't meet that definition of being in the public interest to suspend the licence when that class action came about, and then since then when one of the folks has been charged criminally. But one of the gaps I've identified is just that in terms of certification of early learning educators . . . Of course the ministry issues those certifications, and my understanding is that

in an unfortunate situation where an ECE was, for example, convicted or charged with assault or child abuse of some kind, there actually isn't a mechanism under the Act to revoke or suspend those certificates. Can you speak to that, Minister, and maybe why that gap isn't addressed under this Act?

Hon. Mr. Cockrill: — I think there's a delineation we need to make clear. I mean the certification piece, it's kind of like a . . . And I can't remember your post-secondary history, but I mean say you have a B.A. [Bachelor of Arts] and then you commit a crime of some sort. Nobody can take your B.A. away necessarily. So I mean the certification is granted when someone provides proof that they've completed, you know, X, Y, and Z.

So where we do have authority to manage potential risks are really around the operation. So it's not necessarily the certification that that gate would be at. It would be at the operation point. So you know, sure, they still have completed this piece of schooling or this piece of education. Can't take that away from somebody; they've completed that. But when it comes to their eligibility to work in the sector, that's where the ministry has the ability to restrict that.

Ms. Conway: — Thank you, Minister. Just backing up for one moment, the child care facility that we were just discussing, is it still run by Grace Capstone Ministries?

Hon. Mr. Cockrill: — Yeah, to our knowledge, you know, and our understanding Grace Capstone Ministries is still the operator, but those individuals in question are no longer on the board of that organization.

Ms. Conway: — They're no longer directors of, like, the Grace Capstone Ministries? Just not talking here about the child care centre at all, but Grace Capstone Ministries. They're no longer involved in Grace Capstone Ministries?

Hon. Mr. Cockrill: — That's our understanding, that according to ISC [Information Services Corporation of Saskatchewan] documents they're no longer directors of that organization.

Ms. Conway: — Is it fair to say that a lot of the changes or many of the changes we see under this Act are designed to decrease barriers, be it to expand spaces, to expand access? I think of allowing . . . You know, we look at subsection (7), which allows child care centres, for example, the authority to operate more than one facility. Obviously that's a common-sense change to allow expansion. And I'm getting head nods. I think we can agree that a lot of these changes are with an eye to reducing barriers to some of the goals under the federal-provincial agreement.

And I've had a lot of conversations with your predecessor about, you know, the need to expand spaces and some of the movement that there's been on that. And at the time, you know, we talked about home-based daycares and the fact that they were sort of the low-hanging fruit. Licensing those facilities was a quick and kind of easy way to expand the licensed child care spots.

I think it's fair game to ask about this because we are opening up the Act very much with this view to expand access. I sent a letter to yourself and some of the officials back on February 22nd, 2024 about an individual who's running a home child care facility here in Regina. And just to kind of provide some context so that folks,

you know, reading this a day or a year or 50 years from now know what I'm talking about, this individual is running a home child care facility. She's got eight kids in her care. I had an opportunity to speak to some of the parents of some of those kids. They're very happy with her level of care. She has one of her ECE designations, I believe.

She was born, I believe, in Cuba — I hope I'm getting that right — and came to Regina a few years ago. She's very committed to staying here. And in an effort to kind of make the child care facility more sustainable for herself and access supports that would be available to her as well as make the cost much more manageable for the parents that she was serving and the families she was serving, she applied to become a licensed child care facility and went a significant way through that process. And then also changed homes hoping to get more space, and then was told that she didn't meet the definition of "resident" under the Act, the current Act that we're talking about.

I've gone to that Act, and I tried to provide examples in the letter that I penned to you of other provincial legislation where "resident" is not interpreted so strictly as to require citizenship or permanent residency. There's lots of examples where that isn't the case. And it just seems to me that this is a no-brainer barrier that we could get rid of.

I'm wondering if there's been any thought to that. Does the ministry continue to take the position that "resident" needs to meet this higher, more stringent definition? Or has there been any change in terms of opening up a pathway to people like this individual licensing their home child care operation?

[17:15]

Hon. Mr. Cockrill: — So, Ms. Conway, I certainly did receive your letter and have read through it, you know, the situation, and tried to brief myself on the details.

You know, going back maybe to the preamble to your question, I mean obviously what is in these amendments that we're bringing forward, and I think just generally speaking, we do want to lower barriers where we can to increase child care spaces.

Now I would also say that some of the amendments that we have in front of us today also speak to quality, right, ensuring quality and safety. I mean there's many parents in the room here today. You know, we understand that this is some of the most, one of the most vulnerable populations that we deal with from a public policy perspective. And so there is a fine balance, I would say, in terms of, you know, lowering the barriers but also ensuring that there is adequate safety procedures.

Now when it comes to residency, you know, and again I don't want to get into too much casework in committee, but the challenge with this particular case and the residency requirement is, obviously we want operators to be able to have a criminal record check and a vulnerable sector check. But again if people haven't lived in the country very long, it's difficult to have necessarily a high degree of confidence, if you will, in terms of, you know, a relatively newcomer to our province or our country.

So I would say that's the challenge in this specific case. But I do think, Ms. Conway, you have raised with your letter and this

particular situation, you have raised a good point. And I think it's something within the ministry we're trying to see if there's other avenues that we can, again, walk that fine balance that we have, and you know, provide more spaces but do that with the confidence that kids will be safe because obviously that is in the public interest.

Ms. Conway: — Minister, on that safety and quality piece, I think I'm having some difficulty connecting the dots here. Like, this is an individual who has an early learning designation that she got here. She's been here in Regina for three years. She has a degree in early learning education that she would be required to do a criminal record check and a vulnerable sector check. It just seems like one more barrier.

And you know, I hear you; you don't want to be debating casework in committee. But casework is really important when we're talking about legislation because casework represents the on-the-ground reality of how legislation is making problems better or making problems worse. And I think this is a situation where it's made child care for these eight families — all of whom I think would be willing to speak to you about how happy they are with the care that they're receiving — making their situation worse.

If it's off the table to consider a change to section 8 as part of these amendments . . . You know, I would note that legislation often goes years without being updated, so this is a really good opportunity to do that. You know, an amendment could be introduced if there's any issue here, although I think under the way that the Act is worded, there's lots of precedent for just your officials giving this a different interpretation.

And then also there's the section 28 which we've talked so much about, which would grant you the ability to issue an exemption for this individual, which would sort of negate some of the floodgates, you know, issues that you've identified with wanting to maintain quality in this sector.

So you know, I urge you to look at that closely. These real-life situations are where what we do in here, you know . . . It's the rubber that hits the road. So this is precisely the kind of thing we should be looking at when we're talking about legislation.

Hon. Mr. Cockrill: — Absolutely, and as I said in my previous answer, I think you've raised a very valid point in this. And again since your letter, receiving your letter and reading it through, I mean we are already having discussions within the ministry about where we find that reasonable place in the public interest.

And I mean like you, I'm very passionate about casework in my own community because it is where rubber hits the road and ensuring that we can navigate, you know, existing legislation and regulations to a place that's best for the people that we serve every day.

So certainly, you know, we'll give section 8 consideration with this particular case and this particular woman in your constituency. Certainly we're giving that consideration and understanding, again, how we support her and the families that she serves every day, but also again always thinking about, you know, the public interest and just being mindful of that. So certainly not wanting to stand in the way of families being served

in the province, but just keeping that in mind.

So I will certainly commit to you, Ms. Conway, we are giving both the long-term and the short-term consideration on this issue. And I do appreciate you bringing it to our attention because it is . . . As the workforce in our province changes over time, it may be an issue that we see in my community in the not-too-distant future, or other communities. So I do thank you for bringing it forward.

Ms. Conway: — Thanks, Minister. Thank you for those words. I hope this case is given some attention. I'll also note she was kind of well into the process before this was identified, so it might be something . . . You know, I think it was a bit heartbreaking for her, and she made some material changes, relying on the fact that this was a high likelihood.

I will just say on this specific case, you know, she's actually not a constituent. I think she reached out to me in my role as critic. I'm not sure who her MLA [Member of the Legislative Assembly] is. But you know, I would note like back when the scandal around Grace Capstone came about, I believe that the thinking within the ministry was to continue funding to that daycare because spots were so hard to come by.

And you know, I just think if we can find a way to give Grace Capstone Ministries that licence and keep them operating and give them some oversight and keep those spots open, you know, surely this is a situation that is a real no-brainer, someone with ECE qualification, with a degree, with a proven track record now of years of providing really high-quality child care within Regina. It would be a shame, I think. You know, eight spots is eight spots, and when you look at the fact that we're nowhere near our 28,000-spot goal, you know, everything makes a difference.

Hon. Mr. Cockrill: — Point well taken, and I'm not being dismissive at all. I hope you don't hear that in my voice. If you can give my office a bit of time with it, we'll certainly . . . Again we're looking at the short-term need and also the long-term issue that you've identified because I do think they're both valid. And we'll certainly endeavour to find a way forward.

Ms. Conway: — Thank you, Minister. I actually don't have any other questions . . . I do have one question, sorry. After having said that I have no more questions, I have one more question that is just a very discrete data point.

Because, you know, we do acknowledge that some of these changes have been created as an effort to expand licensed spaces. So on that note, I think the last time I asked about where we were at, I was told April 2023 that since March of 2021, we had created 2,124 operational spaces and 4,696 . . . Sorry, I forget the word for when they're not operational. They're designated. Is that the word?

Hon. Mr. Cockrill: — Allocated.

Ms. Conway: — Allocated. Sorry. Yeah, allocated. Could you just provide an update on those two numbers to date from March of 2021? How many spaces have we created, operational and allocated?

Hon. Mr. Cockrill: — Yeah. So my numbers here, I have just until the end of December of 2023. So obviously we're now in mid-March, so continuing to work on, but as of December 31st, 2023, 8,656 spaces have been created and 4,345 are currently operational.

Ms. Conway: — Thank you, Minister. I have no other questions. I want to thank the officials that joined us today as well.

The Chair: — Thank you. Are there any further questions from other committee members? Seeing none we will proceed to vote on the clauses. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 12 inclusive agreed to.]

The Chair: — His Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Child Care Amendment Act, 2023*, a bilingual bill.

I would ask a member to move that we report Bill No. 143, *The Child Care Amendment Act, 2023*, a bilingual bill without amendment. Mr. Fiaz moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Minister, do you have any closing comments?

Hon. Mr. Cockrill: — No. I'll just thank the committee and Ms. Conway for your time today and of course you, Madam Chair, as well as all the staff. Thank you.

The Chair: — Thank you, Minister. Ms. Conway, any further?

Ms. Conway: — No further comments except also to thank all those who joined us today and you, Madam Chair.

The Chair: — Thank you.

The committee will now take a brief pause to change out officials. Thank you.

[17:30]

[The committee recessed for a period of time.]

Bill No. 138 — *The Workers' Compensation (Extending Firefighter Coverage) Amendment Act, 2023*

Clause 1

The Chair: — Welcome. I would like to introduce Ms. Nicole Sarauer who will be sitting in for Ms. Meara Conway.

We will now move on to consideration of Bill No. 138, the workmen's compensation, extending firefighter coverage, amendment Act, 2023. Minister McMorris is here with his

officials. I would ask that officials please state their names before speaking and please do not touch the microphones. The Hansard operator will turn your microphone on when you are speaking to the committee. Minister, please introduce your officials and make your opening remarks.

Hon. Mr. McMorris: — Thank you, Madam Chair. On my left is Drew Wilby who is the deputy minister. And to my right is Phil Germain, CEO [chief executive officer] of the Worker's Compensation Board. And I have other officials back to my left, and if we call them up to answer they will introduce themselves and give the answer.

So I'm pleased to be here today to discuss Bill No. 138, *The Workers' Compensation (Extending Firefighter Coverage) Amendment Act, 2023*. On October 31st our government introduced Bill 138 which makes several amendments to *The Workers' Compensation Act, 2013*. The amendments came as a result of the recommendations from the committee of review who engages employers, employees, organizations, and the public around the legislation and the Workers' Compensation system.

This review is conducted at least every five years from receipt of the last committee's report to ensure that Saskatchewan Workers' Compensation system reflects the changing needs of workers, employers, and communities. This includes changing the definition of "worker" to remove executive officers and include students in recognized programs, as well as the ability to add other categories of workers in the regulations; amend the privacy provision to mirror *The Health Information Protection Act*, provide for administrative penalties if a privacy breach occurs, and simplify the process for releasing information during reconsideration of or review of a decision or compensation claim; requiring all appeal tribunal decisions be published; covering the expenses associated with transporting a deceased worker's body to the usual residence outside of Canada; providing compensation to a worker's dependent children when the worker passes away from a non-work-related injury while on compensation, no matter the length of time on compensation; simplify the medical review panel process; increase the permanent functional impairment award over a four-year period and indexed afterwards; indexing the independence allowance; and expanding presumptive occupational disease coverage to firefighters to include six additional primary site cancers — penile, pancreatic, thyroid, soft tissue sarcoma, mesothelioma, and laryngeal cancer.

Madam Chair, our government believes that these amendments will address concerns of injured workers, their families, as well as ensure the ongoing financial stability of employers. I look forward to answering any questions from the committee members to address these changes to *The Workers' Compensation Act*.

The Chair: — Thank you, Minister. I will now open the floor for questions. Ms. Sarauer.

Ms. Sarauer: — Thank you, Madam Chair. Thank you, Minister, for your opening comments. I have several questions about the bill. I'm going to try, for ease of all of us, to go through it from the beginning to the conclusion of the bill as it stands.

My first question is related to section 3 of the bill, which amends

subsection 2(1). At subsection (e) the bill is repealing clause (ff) of the legislation. Can you provide some clarity to the committee as to why that subsection's being repealed?

Mr. Germain: — Phil Germain, WCB [Workers' Compensation Board]. Can you just clarify the section one more time?

Ms. Sarauer: — Section 3 of the bill which amends subsection 2(1) of the legislation, I am looking at subsection (e) which repeals clause (ff) of the legislation. I was asking why is that being repealed. It's related to post-secondary institutions, as a hint.

Mr. Wilby: — Drew Wilby, deputy minister, Labour Relations and Workplace Safety. I'll apologize in advance for my voice. I was on the hockey bench all weekend, and so it sort of disappeared on me. If you need me to repeat something, by all means please ask.

So clause (ff) is being repealed, and it's actually included in the new section 79.1. As well there's a new clause (ff.3) which is added to define the term "SDLC," which of course is the Saskatchewan Distance Learning Corporation.

Ms. Sarauer: — Thank you. Can you expand as to why that's being repealed?

Mr. Wilby: — My understanding of that is because it's being included in the new section 79.1, so it's no longer needed in the existing clause that it's in (ff). And so basically the pieces of that are included as it goes forward through that new section.

Ms. Sarauer: — And so it's simply redundant at this point then.

Mr. Wilby: — Correct.

Ms. Sarauer: — Thank you. Now as you mentioned, subsection (g) of section 3 is amending the definition of "worker." In the new definition, "executive officer" has been removed. Can you please explain why?

Mr. Germain: — So in this particular case the change of the definition is "executive officer." And in applying that, it's hard to define which executive officers are actually working in the business as a worker, as opposed to being just an independent owner of the business. And so when we compared our legislation to other jurisdictions, most jurisdictions don't cover executive officers or owners of the business. That's done usually through a voluntary process.

So we're still making it available to owners or executive officers to voluntarily apply to be covered by the WCB, but it wouldn't be mandatory. And that'll make it easier for them to understand the rules, even for us. Like it's hard sometimes to figure out when you're administering it which situations apply to which circumstances because executive directors or directors, officers of the corporation are often paid in very different ways.

Ms. Sarauer: — You touched on this briefly, but I would like to know more in detail how this change compares to what exists in other jurisdictions. Can you give us a bit of a jurisdictional scan?

Mr. Germain: — Yes, I can. The majority, I think it's nine

jurisdictions do not cover directors. Three do — New Brunswick, Newfoundland, and Yukon and Nova Scotia. Sorry, four do and nine do not.

Ms. Sarauer: — Do you have any data as to how many times instances of claims by executive officers, like how often has this issue come up in front of the WCB?

Mr. Germain: — We don't have the data in the sense that it's not clear. When employers report their payroll, they report it as one number. We don't know exactly which workers are covered under which amounts unless we do an audit. So we don't get it broken down by worker versus director, so we don't have that specific data.

Ms. Sarauer: — How was this flagged to you as an issue?

Mr. Germain: — Well employers and directors have been bringing this to us, and our own staff, as an issue for many years. It's been a very challenging piece of legislation to apply. This creates a lot of clarity for our staff and for directors.

Ms. Sarauer: — So just so I understand, you don't know for sure how many individuals would be impacted by this change.

Mr. Germain: — Not specifically, no.

Ms. Sarauer: — Okay, thank you.

Hon. Mr. McMorris: — But I think it would be fair to say that through the review committee it would have come forward — the latest review — as well as the fact that directors can opt in or out. They have the choice, so it's not excluded or whatever. They have the choice.

Ms. Sarauer: — It's voluntary now, correct?

Hon. Mr. McMorris: — Yes.

Ms. Sarauer: — Moving on to section 4 of the bill which amends section 7 of the legislation, it appears that registered mail has been removed. Can you explain why?

Mr. Wilby: — It's largely just a modernization of the legislation. We've been asked why we're not moving towards email and other electronic means, of course. So just with the changing nature of the times it made sense to do those housekeeping amendments to the legislation as well.

Ms. Sarauer: — Thank you. Moving on to section 7 of the bill, which adds section 23.1 to the legislation, can you explain what the current practice is for publicizing appeal decisions?

[17:45]

Mr. Germain: — In Saskatchewan?

Ms. Sarauer: — Yes.

Mr. Germain: — So in Saskatchewan we don't publicize appeal decisions right now.

Ms. Sarauer: — This appears to leave it a little broad. In terms

of how this will be publicized it says, “. . . in any manner that the board considers appropriate . . .” Can you explain why this wasn’t made more prescriptive?

Mr. Germain: — Well part of the decision that we have to do is make sure that we’re balancing privacy with transparency in terms of what decisions were made and why, without necessarily violating an individual’s privacy in explaining why a decision was made. So there’s a process that we need to develop. We don’t exactly know today what that process will look like, and we just need to balance the interests of all parties involved.

Ms. Sarauer: — Sure, there’s the challenge of anonymizing decisions, which I think is what you’re talking about, but I’m more focused on timelines for publishing and how accessible that publication will be. So where will they be published, and what sort of goal do you have in terms of making those publicly available? Will it be 30 days after the decision is rendered, 45 days, 15 days? Will it be on the website? I see that it could include the website, but will it be on the website? Will it be on CanLII [Canadian Legal Information Institute]? That sort of thing is what I’m more focused on.

Mr. Germain: — You know, and because we don’t have the process in terms of double-checking the privacy, we don’t know what those timelines will look like. I mean our objective is to publish them as soon as possible. And because this is a new process we want to make sure we get it right from the beginning and make sure that we’re not inadvertently violating peoples’ privacy as we publish it.

So I don’t know the timeline of it, but I will say that our appeals nationally are the best timelines in the country. So if this process is any indication, you know, our objective is to get them out and readily available, probably through the website, as soon as possible. I just don’t know if that’s 15 days, 30 days, 90 days. I don’t know what the appropriate timeline is to execute that process and do it from a quality perspective.

Ms. Sarauer: — Do you have a timeline for when you’re going to figure out internally how that process is going to work?

Mr. Germain: — That will be spelled out through the regulations.

Ms. Sarauer: — The timeline for how the process is going to work, or the timeline for how long till publication?

Mr. Germain: — Both. That’s my understanding, that both will. As indicated, what we will do is develop the appropriate process first, and then once we understand based on best practice what . . . because there are other jurisdictions that are doing this. So we’ll be able to learn from other jurisdictions what they’ve done, how they’ve done it, and we’ll be able to take that best practice and our process and then embed that into the regulations once we know what that actually looks like.

Ms. Sarauer: — The process will be spelled out in regulations at a later date, is what you’re saying.

Mr. Germain: — That’s right.

Ms. Sarauer: — What is the WCB’s timeline for finalizing the process?

Mr. Germain: — We don’t have that right now. We’re working on the process currently in terms of a legal and policy review, but that process is not in all . . . We’re waiting for the legislation to pass in order to make sure we know exactly what will be passed.

Ms. Sarauer: — Okay.

Mr. Germain: — And then we’ll . . . We are working on it, but nothing is finished yet.

Ms. Sarauer: — Thank you. Moving on to section 7 which amends section 28 of the legislation, this is where all of the new listed diseases are added. We’ve spoken before about how this will set a very positive precedent for Canada. We’re very much excited about this. We too have heard from a lot of individuals, firefighters in particular, who have been advocating for this. It’s a very positive step forward.

Have heard some feedback from wildfire officers who indicate that there are some cancers that they are exposed to that are not included in this list. Can you provide some commentary as to why those have been left out at this time?

Hon. Mr. McMorris: — So what I would say is that, you know, this came forward from the firefighters, professional firefighters. And the wildfire-fighters have some concern. And so we’ve heard that, and we’ll be working on addressing those concerns in the real near future. It isn’t in this legislation, but that doesn’t mean we can’t address it in the next legislative cycle.

Ms. Sarauer: — So I’m hearing it’s perhaps in the works and will hopefully be introduced sooner rather than later.

Hon. Mr. McMorris: — I think that’s fair to say.

Ms. Sarauer: — Okay. Thank you. I’m now looking at section 9 of the bill, which repeals section 45 of the legislation. Can you explain why this section has been repealed? It looks like a service requirement has been removed, and I would like to know why.

Mr. Wilby: — This again is a modernization piece. The notice is still required. It’s just the service of notice being that registered mail piece, so it’s all included in that other section.

Ms. Sarauer: — So this is another redundant section now.

Mr. Wilby: — Correct. Yeah.

Ms. Sarauer: — Thank you. I’m looking at now section 10 of the bill, which amends section 48 of the legislation. I’m just curious if you can provide some information as to what the substance of the change of this section is. It appears to me that it’s adding the employer to who will be served with reasons — if I’m incorrect, please correct me — and if that’s the case, why has that change been made?

Mr. Wilby: — So that again is a modernization. What that’s doing is amending to standardize the service of documents as per section 178.1.

Ms. Sarauer: — Has the employer always been served in the past?

Mr. Wilby: — I'm seeing a nod from Phil, so I believe the answer is yes.

Ms. Sarauer: — Thank you. I was waiting for that nod to make it onto *Hansard*, so thank you for that.

A Member: — We'll formalize the nod.

Ms. Sarauer: — Thank you. Okay, I'm moving to section 11, which amends section 59 of the legislation. This is in relation to the medical review panel. It appears that some changes are being made which will make it more difficult for employees to access. Can you explain what change is being made in this section and why?

Mr. Germain: — So the changes in this section are intended to make it easier for injured workers to access medical review panel by virtue of expanding which doctors in which areas they can access those from, whether Regina or Saskatoon.

So there's a series of changes in sections 59, 60, and 61 which are intended to expedite the medical review panel process by allowing the Chair to be from Regina or Saskatoon and for the injured worker to provide a list of the specialists so that we don't have to keep going back and forth to the injured worker every time a potential specialist disagrees to be part of the medical review panel. So the majority of these changes are intended to make it easier for the worker to get to the medical review panel.

Ms. Sarauer: — Is it also correct though to say that this change will only allow accepted claims to have access to a medical review panel?

Mr. Germain: — That's a clarification. That's always been the case. And so it's a misunderstanding within trying to . . . Some workers will apply on the issue of acceptance or denial, but that's never been the case for a medical review panel. So the legislation is just making it clearer what the medical review panel is intended for. They only deal with accepted claims.

Ms. Sarauer: — So just again to clarify, currently if WCB denies the initial acceptance of a claim, the worker is not able to access the medical review panel.

Mr. Germain: — That's correct.

Ms. Sarauer: — Okay, and then this legislation doesn't change that.

Mr. Germain: — That's correct.

Ms. Sarauer: — Okay. I'm moving on to section 15 of the bill, which amends section 66 of the legislation. This is around the awards for permanent functional impairment. Can you provide some detail as to what the change is in this bill?

Mr. Germain: — So with this bill change, what it'll do is increase the amounts that are awarded to an injured worker who qualifies for permanent functional impairment, and it will increase from a minimum of 2,200 to a minimum of 4,000 and will go from a maximum of 45,200 to 82,200. And it is staged over, I think, four years of implementation, and then after that it will be indexed to CPI [consumer price index].

Ms. Sarauer: — How does this compare with other jurisdictions?

Mr. Germain: — This puts us roughly in the middle of the pack.

Ms. Sarauer: — Was that a concerted policy decision, to be in the middle of the pack jurisdictionally?

Mr. Germain: — No, we just simply looked at increases of certain types of benefits over time and we increased this particular award based on the changes in benefits, certain other benefits. So proportionally we've increased it to where . . . For example, the average weekly wage went up. Proportionally this all kind of went up together with that.

Ms. Sarauer: — I'm wondering if you can provide some similar information about section 16 of the bill, which amends section 67. This is around the independence allowance.

Mr. Germain: — Yes. The independence allowance was not part of the committee of review recommendations, but when we saw the changes to PFI [permanent functional impairment] we realized that it would probably be a good idea to index the independence allowance. Those two issues were normally linked. We delinked them and then created an opportunity for the independence allowance to be indexed annually as well.

Ms. Sarauer: — Can you explain how the independence allowance and the permanent functional impairment work with the definition of average weekly earnings in section 70?

Mr. Germain: — It used to be linked to the average weekly wage, but we realized that you would disproportionately impact low-wage earners for permanent functional impairment. And we felt that, depending on the degree of impairment, each worker should receive the same amount regardless of what their base salary is. So we disconnected it to the average weekly wage which means, regardless of what you earn, each worker will receive the same amount for permanent functional impairment.

[18:00]

Ms. Sarauer: — Thank you. Can you explain, I'm looking at section 17 of the bill which amends section 70 of the legislation, why this subsection is being added? 70(6) is the new one.

Mr. Germain: — This is to address the fact that some secondary and post-secondary students that are working as part of their education or training, they won't have a salary to base their wages or their compensation from. So this gives us the authority to actually assign a wage to that student if they're injured so we can pay them compensation related to their injury.

Ms. Sarauer: — Thank you. Okay I'm now looking at section 23 of the bill which amends section 174 of the legislation. Could you please explain why these changes are being made? It looks like a quicker timeline than what exists in the legislation currently, so can you provide some reasoning as to why?

Mr. Germain: — There was a few reasons this was amended. Some of it was just to create neutral language, communication. But the main point of the changes here is to improve the timelines around getting information to either party as it relates to an

appeal because time is of the essence sometimes when you're talking about getting a decision to the injured worker, the employer.

Ms. Sarauer: — Has there been some timeliness challenges within the WCB?

Mr. Germain: — The challenge for this is the back-and-forth process and the timelines for each. So each step allows for up to 15 days for each party, and it can go back and forth. In total that can add up to 30, 45, maybe 60 days while somebody is waiting for a decision, and so that can be very challenging. And we're one of the very few jurisdictions that allows a rebuttal by an injured worker, let alone two rebuttals. So we just thought we'd simplify the process for everyone.

Ms. Sarauer: — And if anybody is wanting to do a rebuttal, for example, they do have the ability to access the Workers' Advocate if they're having concerns about timeliness, being able to get their information. Is that correct?

Mr. Germain: — Yes, the Workers' Advocate is always available to assist a worker with any issue they have related to a claim.

Ms. Sarauer: — Thank you. I have no further questions.

The Chair: — Thank you, Ms. Sarauer. Are there any more questions or comments from other committee members? Seeing none, we will proceed to vote on the clauses.

Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 27 inclusive agreed to.]

The Chair: — His Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: the workmen's compensation, extending firefighter coverage, amendment Act, 2023.

I would ask a member to move that we report on Bill 138, the workmen's compensation, extending firefighter coverage, amendment Act, 2023 without amendment.

Mr. Kaeding: — Move.

The Chair: — Mr. Kaeding. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Minister, do you have any closing comments?

Hon. Mr. McMorris: — Yeah, thank you first of all to the opposition for the questions, to the government members for making this committee happen, and to all the officials for the great work that they have done. This is a very, very important

file. It affects a lot of people. You hope it doesn't, but it does. And the great work that WCB and Labour do in the province. So thank you to the committee.

The Chair: — Thank you, Minister. Ms. Sarauer, do you have any comments?

Ms. Sarauer: — I'd just like to join with the minister in thanking yourself, Madam Chair, and the rest of the committee members for their work. And the officials for answering my questions this afternoon, first of all, very thoughtfully, as well as all of the work that you do as well as all of the staff that you represent here for the people of the province every single day.

The Chair: — That concludes our business today. I would ask a member to move a motion of adjournment. Mr. Nerlien. All agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. This committee stands adjourned to the call of the Chair. Thank you.

[The committee adjourned at 18:08.]