

**STANDING COMMITTEE ON HUMAN SERVICES**  
**Wednesday, April 30, 2008**

**MINUTE NO. 10**  
**3:00 p.m. - Room 8**

1. **Present:** Mr. Glen Hart in the Chair and Members Denis Allchurch, Cam Broten, Doreen Eagles, Judy Junor, Serge LeClerc, and Greg Ottenbreit.

**Substituting Members**

Dan D'Autremont for Serge LeClerc (8:20 p.m. to 9:58 p.m.)

Andy Iwanchuk for Cam Broten

Randy Weekes for Doreen Eagles (7:00 p.m. to 9:58 p.m.)

**Other Members:** Darryl Hickie, Sandra Morin

2. The committee considered Bill No. 5 – The Public Service Essential Services Act.

The following Advanced Education, Employment and Labour Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Rob Norris, Minister

Wynne Young, Deputy Minister

Mike Carr, Associate Deputy Minister

Mary Ellen Wellsch, Acting Executive Director of Labour Planning and Policy

Pat Parenteau, Senior Policy Analyst

3. The Chair made the following ruling:

“A normal procedure in committee is for committee members and witnesses to deal with each other in a respectful manner. I would urge committee members and also witnesses, whether they be the minister or officials, to respect one another. I feel perhaps the use of the word paranoid was right on the edge.

Also I would caution the minister with impugning motive of the members asking questions. I would ask that committee members co-operate, and we move forward in the examination of this Bill. I have stated in the past; it is the members asking the questions. It is their right to take as much time and use a language that is acceptable in debate to pose their questions, but also it is the right of the witnesses, the ministers, that appear before this committee to take as much time as they need to form their answer and use language that they deem appropriate to respond to the questions. And I would ask for all members of this committee to please co-operate and let us move forward in that manner.”

4. The Chair made the following ruling:

When a Bill is referred to committee after second reading, the general principle of the Bill has been debated in the House. And when it is referred to the committee, I believe it is inappropriate for the committee to spend a lot of time re-debating what has already taken in the House — that is, the general principle of the Bill.

I believe it is our obligation and this committee has been tasked with dealing with the Bill in general terms, and we also can deal with the various clauses in the Bill. And we can deal with these clauses, and that has been the normal practice of committees to deal with, ask questions of specific clauses before we actually get to those clauses.

The difference is when we get to those clauses, the questioning and the comments will deal only with the issues pertained in the specific clause that is before the committee. So if we would follow those procedures that have been established in the legislative process and that has been customary in committees in this Assembly, I think we'll continue to make progress that we have made in the past.

5. The committee recessed from 5:00 p.m. until 6:02 p.m.
6. The committee resumed its consideration of Bill No. 5 – The Public Service Essential Services Act.
7. The following documents were tabled:

**HUS 11/26 Ministry of Advanced Education, Employment, and Learning:** Memorandum from Hon. Rob Norris, Minister to Mr. Glen Hart, Chair, Human Services Committee dated April 30, 2008.

**HUS 12/26 Ministry of Advanced Education, Employment, and Learning:** Written submission consisting of a press clipping entitled “Health region survives ills of ‘07”.

**HUS 13/26 Ministry of Advanced Education, Employment, and Learning:** Written submission consisting of a press clipping entitled “Medical services ‘unsafe’; College of medicine to close clinics, cancel surgeries because of strike”.

**HUS 14/26 Ministry of Advanced Education, Employment, and Learning:** Written submission consisting of a press clipping entitled “Head of nursing in Saskatoon health region says over 400 patients are being affected by university strike”.

**HUS 15/26 Ministry of Advanced Education, Employment, and Learning:** Written submission consisting of a press clipping entitled “Saskatoon health region says CUPE strike impacts about 400 patients a day – may have to transfer patients”.

8. The committee recessed from 8:07 p.m. until 8:20 p.m.
9. The committee resumed its consideration of Bill No. 5 – The Public Service Essential Services Act.
10. The question being put on clause 1, it was agreed to.

11. During consideration of clause 2, it was moved by Mr. Allchurch:

**Clause 2 of the printed Bill**

Amend Clause 2 of the printed Bill:

(a) by striking out clause (c) and substituting the following:

“(c) ‘**essential services**’ means:

(i) with respect to services provided by a public employer other than the Government of Saskatchewan, services that are necessary to enable a public employer to prevent:

(A) danger to life, health or safety;

(B) the destruction or serious deterioration of machinery, equipment or premises;

(C) serious environmental damage; or

(D) disruption of any of the courts of Saskatchewan; and

(ii) with respect to services provided by the Government of Saskatchewan, services that:

(A) meet the criteria set out in subclause (i); and

(B) are prescribed”; and

(b) by striking out subclause (i)(xi) and substituting the following:

“(xi) any other person, agency or body, or class of persons, agencies or bodies, that:

(A) provides an essential service to the public; and

(B) is prescribed”.

The question being put, the amendment was agreed to.

A debate arising, and the question being put on clause 2 as amended, it was agreed to.

12. The questions being put on clauses 3 to 5, they were agreed to.

13. During consideration of clause 6, it was moved by Mr. Allchurch:

**Clause 6 of the printed Bill**

Amend subsection (2) of Clause 6 of the printed Bill by striking out “that are to be essential services” and substituting “that the public employer considers as essential services”.

The question being put, the amendment was agreed to.

The question being put on clause 6 as amended, it was agreed to.

14. The questions being put on clauses 7 and 8, they were agreed to.

15. During consideration of clause 9, it was moved by Mr. Allchurch:

**Clause 9 of the printed Bill**

Amend Clause 9 of the printed Bill:

(a) in subsection (2) by striking out “notice required pursuant to this section” and substituting “notice served pursuant to subsection (1)”;

(b) by striking out subsection (4) and substituting the following:

“(4) If at any time the public employer determines that more employees in one or more classifications set out in the notice served pursuant to subsection (1) are required to maintain essential services and there is no essential services agreement concluded between the public employer and the trade union, the public employer may serve a further notice on the trade union setting out:

(a) the additional number of employees in those classifications who must work during all or any part of the work stoppage to maintain essential services; and

(b) the names of the employees within those classifications who must work”; and

(c) by striking out subsection (6) and substituting the following:

“(6) Every employee who is named in a notice pursuant to this section, other than a further notice served pursuant to subsection (7), is deemed to be an essential services employee.

“(7) If at any time the public employer determines that fewer employees in one or more classifications set out in the notice served pursuant to subsection (1) are required to maintain essential services and there is no essential services agreement concluded between the public employer and the trade union, the public employer may serve a further notice on the trade union setting out:

(a) the number of employees in those classifications who are no longer required to work during all or any part of the work stoppage; and

(b) the names of the employees within those classifications who are no longer required to work during all or any part of the work stoppage.

“(8) The public employer shall notify each of the employees named in a notice served pursuant to subsection (7) that he or she is no longer required to work during all or any part of the work stoppage”.

The question being put, the amendment was agreed to.

The question being put on clause 9 as amended, it was agreed to.

16. The questions being put on clauses 10 to 18, they were agreed to.

17. During consideration of clause 19, it was moved by Mr. Allchurch:

**Clause 19 of the printed Bill**

Strike out Clause 19 of the printed Bill and substitute the following:

**“Powers of board**

**19(1)** For the purpose of carrying out the intent of this Act, in addition to the powers conferred on it by this Act, the board has all the powers conferred on it by *The Trade Union Act*.

(2) An order made by the board pursuant to this Act or the regulations is enforceable in the same manner as an order of the board made pursuant to *The Trade Union Act*.

(3) There is no appeal from an order or decision of the board pursuant to this Act, and the proceedings, orders and decisions of the board are not reviewable by any court of law or by any *certiorari*, mandamus, prohibition, injunction or other proceeding.

(4) The chairperson of the board may make any rules of practice and procedure that the board considers necessary to carry out its responsibilities pursuant to this Act”.

The question being put, the amendment was agreed to.

A debate arising, and the question being put on clause 19 as amended, it was agreed to.

18. The question being put on clause 20, it was agreed to.

19. During consideration of clause 21, it was moved by Mr. Allchurch:

**Clause 21 of the printed Bill**

Amend Clause 21 of the printed Bill by striking out clauses (b) and (c) and substituting the following:

“(b) prescribing, for the purposes of this Act, services provided by the Government of Saskatchewan for the purposes of subclause 2(c)(ii);

“(c) prescribing any person, agency or body, or class of persons, agencies or bodies, for the purposes of subclause 2(i)(xi)”.

The question being put, the amendment was agreed to.

A debate arising, and the question being put on clause 21 as amended, it was agreed to.

20. The question being put on clause 22, it was agreed to.

21. It was moved by Mr. Allchurch:

That the committee report Bill No. 5 – The Public Service Essential Services Act – as amended.

The question being put, it was agreed to.

22. It was moved by Mr. Ottenbreit:

That this committee do now adjourn.

The question being put, it was agreed to.

23. The committee adjourned at 9:58 p.m. until 2:00 p.m. on Thursday, May 1, 2008.

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Viktor Kaczowski  
Committee Clerk

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Glen Hart  
Committee Chair