

FOURTH SESSION - TWENTY-SEVENTH LEGISLATURE

of the

Legislative Assembly of Saskatchewan

DEBATES and PROCEEDINGS

(HANSARD) Published under the authority of The Honourable Dan D'Autremont Speaker

N.S. VOL. 57 NO. 78A TUESDAY, NOVEMBER 3, 2015, 13:30

Bill No. 183 – *The Saskatchewan Employment (Essential Services) Amendment Act*

Mr. Forbes: Thank you, Mr. Speaker. It is somewhat ironic that we enter into this debate after question period, and these folks in government so wrapped up in the union flag here and all of a sudden trying to protect jobs. We see the last eight years of where they've actually cut jobs. And I just think about the laundry workers in P.A. [Prince Albert] who say, remember April 4th. And I think the member who is from P.A. should remember April 4th when these folks are talking about jobs and union jobs. I mean I can't believe the irony of . . .

Thank you very much, Mr. Speaker. I appreciate the opportunity to enter into this debate on Bill No. 183, *An Act to amend The Saskatchewan Employment Act and The Saskatchewan Employment Amendment Act, 2014*. And it has been quite a journey for this government on this legislation.

And I want to start by thanking some folks who were really involved, and I want to thank the committee members. I know that the minister listed them off, and I won't at this time. But I do know that the folks responsible for this bill, who gave a lot of insight through committee work, did a great job. I also want to thank my colleagues here for some great speeches, who've done a good job presenting the case and really talking about the history of this bill since 2007 and how we've come to this point in time. And so my colleagues here have really put together some very thoughtful comments and I want to thank them for that.

I want to thank my past colleagues from previous years who've worked so hard in pointing out the errors of the way of this government and what we've done to get to this point. And I want to thank my colleagues: Andy Iwanchuk, Deb Higgins from Moose Jaw, Sandra Morin, and Kevin Yates, and many others who aren't here today but who were in this House, spent a lot of time making the case that this was absolutely the wrong thing to do, the wrong thing to do, and that in fact this government at some point will end up having to do the right thing. Somebody will make them do the right thing. And of

course that somebody was the Supreme Court of Canada.

And I think all through this we should remember, we should remember that this committee and this work here was court ordered. It was not a consultation piece. We did not go to the Supreme Court for guidance. This government was forced to go to the Supreme Court because of how wrong they were proceeding in legislation when it came to essential services.

But, Mr. Speaker, this is so meaningful. I think that it's so important. And it is ironic that today we start out with the Premier defending the executives from SaskPower. But clearly if there's apology needed, if there is an apology needed, it's for the thousands of workers here in Saskatchewan that this government trampled their rights until they got to the Supreme Court of Canada, for eight years. Eight years, acted so improperly in terms of respecting their rights.

And we have not heard a single word from this government — not from the Minister of Labour, not from the Premier, not from the Minister of Justice — at all about admitting that they were wrong and that they apologize to the people of Saskatchewan for this ideological adventure that they took starting back in 2007. And I know some members over there said they would never do it, and here we are eight years later. And here we are with a bill that could have happened eight years ago if this government had taken advice from the people involved.

I mean, it's so ironic today that we have a letter that one minister will hold up from the IBEW, but eight years ago they had many, many, many letters about how wrong they were on Bill 5. But they disregarded them. They disregarded them and went bullheaded into this Bill 5, and here we are. Here we are. And they continued that attitude for eight long years, eight long years where we could have done so many others things.

And yet I find it's ironic. I find it ironic that the Minister of Energy and the Premier will hold up a letter from IBEW and talk about it as if all of a sudden they found the road to Damascus. Here they have been saved, and all of a sudden they are paying attention to labour, where for eight long years we've seen such a disregard for anything that came from labour. And whether that was, of course, Bills 5 and 6, and then we had so many bills in between. And then we had the employment Act, where they disregarded the words from labour. And finally they were forced to, forced to.

Now, I don't know. It'll be interesting to see . . . The question I have really is, because there's been no apology, no remorse, they can pass this legislation. But because they are the employers, how will they approach this legislation when it comes to bargaining? Will they actually work in the spirit of how the committee laid it out or will they act as they have seemed to have acted before?

And really, what's interesting is that the Premier has said, and many times he's said, the best indicator of future performance is past performance. How people act in the past will be how they will act in the future. And I think this will be the question for us to see, whether or not this government will continue to act in a bullheaded ideological fashion

when it comes to unions. They hold up IBEW from down in Estevan, and fair enough. They've got concerns. That's fair enough, and they're very free to write a letter, and we'll be responding.

But, Mr. Speaker, I just find it passing strange that all of a sudden, on the road to Damascus, they have now been holding up labour letters. They didn't do it when CUPE [Canadian Union of Public Employees] was concerned about the laundry facilities in P.A. They sure didn't do it. They dismissed the concerns and they closed that down, and now we have K-Bro and the loss of many, many, tens if not hundreds of union jobs there in that industry of laundry. So, Mr. Speaker, I find this very, very odd indeed.

And so we look at this bill, and we will have questions in committee.

But I really want to talk about the issues that we have today because of what has happened with this legislation in Bill 183. And we know that the minister . . . You know, it's interesting.

The minister involved today as Minister of Labour of course was involved right from the very beginning and has been intimately involved with this essential services legislation on the path from day one, from day one, because he was the Minister of Justice at the time. And while we've had a change in labour and change in ministers of Justice, we have someone who's been there right from the very beginning.

And he has yet to say anything at all that comes close to being a bit of an apology. I mean, he's been soft spoken about it. He's been very measured in his language. But really, seriously, Mr. Speaker, when we see what has happened over the past eight years, thousands of workers who deserve recognition for what has happened over the past eight years in terms of their loss of rights and no recognition, we should give them some respect. Respect how they work. Respect what they do and how they get their work done, because it's so important that we do that as the House.

And I expect the government will step up at some point, at some point and say something like this: we've been on a grand ideological adventure for the past eight years that didn't need to happen, didn't need to happen at all and, Mr. Speaker, this has been a real, you know, real waste of time and we didn't have to go there. But really, Mr. Speaker, it's been about a government who's been out of touch, been out of touch, who was elected and really went right away to that ideological place when people were telling them, don't do that.

We can get a solution to essential services. We can work out the differences. We can make the system better, but we need to work on this together.

So unfortunately though, the government decided not to go down that road, but in fact they would keep on this ideological route. And really because of this, we have found ourselves in not a great place, in fact a place that we wish we could've been in so much different eight years later.

You know, we've been through three bills now. We've been through Bill 5, Bill 128, now

Bill 183. We've been through three court appearances, right up to the Supreme Court of Canada, and we've also had an appearance with the ILO [International Labour Organization] when the SFL, Saskatchewan Federation of Labour, brought this forward to the International Labour Organization in 2009 and '10. And I understand that the government made at least two representations to the ILO. The government was resoundingly called out on how they approached Bills 5 and 6. They said, you need to consult. You need to consult. You cannot unilaterally act in this way, and you need to respect the right to strike.

Ironically, Mr. Speaker, and I don't think the Premier in his plan, his vision, maybe not even in his wildest dreams . . . that he would be the one in Canada to enshrine the right to strike. And in fact it is such irony and, you know, today has been a day of ironies, but here we are again talking about the irony that the Premier of Saskatchewan, the Leader of the Saskatchewan Party, has been the one who has brought this forward to the Supreme Court and forced the Supreme Court to make a ruling on this issue. And here we have the case before us, and in fact now unions enjoy the fact that the right to strike is now enshrined in Canada. And so this is an odd thing.

But, Mr. Speaker, really when this government came to power in 2007, it really had choices about what it could do in the labour world. It chose to go down this ideological path and he chose, the Premier and the government and the cabinet knowingly chose that route knowing that there would be battles; there would be fights. The labour movement clearly would not be happy with this, and rightfully so, and rightfully they took it all the way to the Supreme Court.

But we had opportunities, and I think we've had a missed opportunity for eight years. Eight years we've had and we continue to have the second-worst record in Canada when it comes to injury rates, the second-worst record. And we might as well say the worst. I don't know if it's better to be the second worst or the first worst. To me it's just darned close to being the worst, and it continues to be that way. And you know, Mr. Speaker, and it's funny, the minister will quote me saying that we have to do more because I was a minister prior. Clearly we had to do more, and it wasn't . . . We were trying to do our best when we were in government. But this was a missed opportunity, eight years.

You know, last year, and it was interesting because I did get some flak from the Workers' Comp. I did talk about how I really felt it was time for us to do a refresh.

This government had the opportunity to make some choices in 2007, and I wish we could go back and rewind the film and say, listen, we should make safety in the workplace the number one issue. We hear the Minister of Labour often say and he will say that this is something we need to do more about. And we agree on that. But we got to do more than just agree on it, and we've really got to get down to the nuts and bolts in that.

And I know this government really hung its hat on Mission: Zero. And I said last year, you know, I really feel that we need to take a look at that. We need to take a refresh. And I think we've missed an opportunity. We've missed eight years where, instead of fighting the battle of essential services, where we could have had a committee work that out and

be where we are now several years ago. We could have done that. That opportunity was always there. We didn't need to go down the path of fighting it out in the courts. But this government chose to do that and here we are.

But instead, they chose a program in occupational health and safety where we have something that we could really work on, that there needed to be attention, that there needed to be something done about it. It is a crisis. It is a crisis. We have the second-worst record in Canada. And the government will say, well yes, we want to do something about it. But really we have had opportunities to do something about it.

And you know last year, as I said, I called, in the media, for a refresh. And I still feel that way. I feel like we've got to do something. We've got to take a look. Is Mission: Zero actually working? Or did it pick the low-hanging fruit and that's what we've got ourselves in a place where low-hanging fruit has been picked but really the hard parts aren't happening?

We've seen a government that has cut inspections, random inspections and planned inspections, and we called them out on that last fall. We don't know what the results of that have been. Or in the spring we had questions on that.

But, Mr. Speaker, we're losing opportunities. And what worries me, worries me deeply is here we have a situation at this very time where we have the committee of review going around looking at Workers' Comp. What can we do better in Workers' Comp? Well there's several things we could do better for Workers' Comp, and we can give a long list of that, a long list. But the question really remains, what can we do before people get to Workers' Comp? What can we do there?

We've seen the Workers' Comp, WCB [Workers' Compensation Board], issue a major refund this summer, some \$80 million from their excess surplus account where they've had very good returns on their investments and they've been doing well financially. But they've refunded \$80 million. In fact the pool of money's 140 so it might actually be more than 80, but the press release that I've seen cites \$80 million.

So we're at \$80 million. What could we have done with some of that money? The government often pleads poverty, and now they're saying, and we hear this, that our budgets aren't as strong as they were a year or two years ago because of the price of oil and different commodity prices and the state of the economy. So we have to tighten our belts. That's fair enough. We are aware of the price of oil.

But the one thing that's interesting, and people may not know this: the occupational health and safety funding that goes into the Ministry of Labour is paid for by WCB. So whatever that amount is, WCB will put money into the GRF [General Revenue Fund] and then it will get paid to the occupational health and safety. So this year the budget for occupational health and safety is \$8.3 million — \$8.3 million. And how much are we paying Cenovus? And that's a big question.

So, Mr. Speaker, we've had two pools of money that we could have used: the first, which is interesting, the money that this government chose instead to put into the battle for

essential services for eight years. Now this government has said that it's \$160,000. We have yet to see those numbers. I think we may have got some answers today. I'll look and see what they are, but this government has said it's about \$160,000. I think it's got to be much more than that, particularly when you take into account that they're including in their numbers how much the penalty is for paying for the labour side of the bill for going to the Supreme Court. I can't see how you can go to three court appearances, produce three bills and . . . So there's six occasions right there, and we're talking about \$160,000.

I know the minister has been upset when I said that if that's the case, then clearly it wasn't a priority for the Ministry of Justice and Labour. In fact they may have been doing it off the side of the desk because I don't know how else you can do it so cheaply. But we'll wait and see what the numbers are because we haven't seen the numbers. We haven't seen the numbers. They may be available today. We'll see. I did ask for some answers, and we'll see what kind of answers I've got.

But, Mr. Speaker, there's one pool of money, but the government chose to say, I'm not investing that money in occupational health and safety. I'm investing it in the battle for essential services and the legal costs that are involved with that.

The other pool of money that we have found is the excess surplus earnings from Workers' Comp, some \$140 million. Here's a budget of occupational health and safety of \$8.3 million. If they were to just increase it by 25 per cent, that's \$2 million. That's hardly anything. That's the interest off the \$140 million. That's the interest off that, and that would be 25 per cent more. That could mean 25 per cent more . . . Well we could take a look at what that, you know, whether that would be . . . How many more inspectors would that be? How many more people involved in education would that be? What could you do with 25 per cent? What could you do with 50 per cent? What happens if we were to double it and say, you know what we're going to do, is we're going to have the best safety record in Canada, make that the goal and make it happen through occupational health and safety.

Instead this government has invested . . . And I call it a kitschy little, a kitschy Mission: Zero. Now I know that I've got in trouble for saying that because people say it's much deeper than that, but nobody has really shown me that it's deeper than that. And I haven't gone anywhere. This is where I work, in the legislature. So if there is more to Mission: Zero than their television ads and their meetings with folks, I'd like to know about it.

But you know, if we were really truly committed to safety, I don't think we would be refunding \$80 million. We would be keeping that back and saying to different safety associations and to occupational health and safety, we are going to really invest in people in Saskatchewan. We're not going to every April 28th read off the list of names of who've died. And we get pretty choked up about that. That is a tough day. I get how tough that day is for everybody involved. But I think we really have to take the resolve of that day . . . When we say we're going to do something about it, we really do something about it. We really do something about it. But instead this summer we saw a refund of \$80 million.

Now this is so odd though, Mr. Deputy Speaker, because while they're emptying out the piggy bank, they have a committee of review going around finding out what they can do to improve workers' comp. But Workers' Comp is emptying out their piggy bank right away. So these folks will come back with recommendations about what they can do. And I'm deeply, deeply worried that Worker's Comp will say, we have no money. We have no money. But a few short months ago they were pretty flush. They had some \$80 million that they could give away. So, Mr. Speaker, I am deeply concerned about that. I am deeply concerned about that, that we aren't using the opportunities presented to ourselves.

And here we are some eight years later and we're having this discussion about essential services. And I think that, I hope the government has learned something here. And of course I want to get back to what the Premier said. This does concern me because he says what the best indicator for future actions is past actions. And we've seen this government, when it comes to labour, become very ideologically bound in their decision making. They don't use consultations in a really productive way. These consultations are different because they were Supreme Court ordered. They were court ordered, so they had to do something by January 30th. The clock is ticking. I mean we'll pass . . . It'll probably be passed some two months before the deadline. Fair enough. But even so, you know, I mean it's interesting how they are really cutting it close.

So, Mr. Speaker, I think I want to just review what I've said. Because I first want to thank all those who've worked before on this issue, who've really forced the hand of this government and made them get to the place where they are today; made them get to the place where they used the common sense of working people who are in these positions, who do play important roles in our lives, who do clean . . . make the highways safe when there's storms, who do provide essential services in the hospitals. So it's just a common sense thing that at the end of the day we would use their expertise. And so here we are, but it's so ironic that it's because of the courts that we are here, and we cannot lose track of that.

And it was so rich in irony that the Premier would stand up today and talk about apologies when he's got a couple of apologies that he's got to make, he's got to make to the people, the working people of Saskatchewan about the fiasco of essential services here in Saskatchewan. This is going to be quite a chapter somebody's going to write in a few years about what happened from 2007 to 2015 in labour history in Saskatchewan when this government decided to go through this ideological battle and really ended up, really ended up in a place that we could have gone right away with some common sense consultations if they were really interested. But when they were elected, they decided to go down that road of an ideological venture that involved three courts, involved three bills. I mean it will be quite the chapter.

But I don't think it's the end of the book because the next chapter is how this government will act, how this government will act. How will it act when it comes to bargaining? Will it respect the people that it's bargaining with? Will it do what's in the Act, in the spirit of the Act, in the spirit of what that committee saw? I mean there's some loose ends maybe that we have questions about, and we'll have questions in committee, and that involves

the definitions and timelines and that type of thing. But they can be answered in committee.

But, Mr. Speaker, we are deeply concerned. We are deeply concerned about the next chapter in essential services. Will this government act in the way, in the spirit of this legislation? That's the challenge for this government. We can all pass legislation. But will they actually act in good faith?

But, Mr. Speaker, as I say, it's about choices. It's about priorities and what really matters. And today we've seen the government talk about apologies and commitments to IBEW. And I talked about, in April we'll hear about how we need to do so much more for working people who've died on the job. And we'll hear the minister say in a very meaningful way that he really feels for these folks and these families and that we've got to do better. We've got to do better.

But we see that we've got inspectors doing less inspections. We don't know if there's all the positions filled in the department of occupational health and safety. We know that — and this is the irony again, you know, Mr. Speaker, this is the irony that we've seen over the past 10 years — the workforce that the WCB covers has grown from 300,000 to some 400,000. That's 33 per cent. It's grown by 33 per cent. You would think that that alone would demand a bigger occupational health and safety budget. You'd think that by itself would be a reason for this government to say, we can't operate occupational health and safety on \$8 million. We've got to have 10. We've got to have 12 million. And we know WCB's got it. We know they've got it, and we can just take a look at their excess earning surplus, which they're giving back to the employers. And it wouldn't . . . It would hardly put a dent in it.

So, Mr. Speaker, we will be looking at this bill. We'll have questions. But I hope my message to the minister: take a look at Mission: Zero. Is it actually working? Take a look at occupational health and safety. Put a real investment into it. I know that they're probably putting together their budgets as we speak, or should be, because I know that the election is coming up, but government must continue on, must continue on.

But we can't operate when we know the working force here in Saskatchewan is growing so significantly and particularly by those who are covered by WCB. So we really need to make some different choices. And the real choice we've got to make here in Saskatchewan is really to invest in eliminating workplace injuries and deaths, and we've got to make that commitment. And we can't have a kitschy saying anymore, Mission: Zero. You've got to take a look at that.

But, Mr. Speaker, I hope the minister will take some time and reflect on the past eight years, where they've gone, how they've acted, and what are they going to do. I hope that there's a real change, a real change in their attitude, that they will bargain in good faith with those who are involved in essential services, using this legislation. That's the key. They've got to bargain in good faith. And will they do that? Will they do that? That's the next chapter.

And will they make a commitment, a real commitment to make sure we eliminate workplace injuries and deaths and use the resources this government has? Because they do have resources, and they can't plead poverty in that because there are resources for that. They have the money. They can do it. They can get the inspectors. They can do the education. And we know that's the thing to do.

So with that, Mr. Speaker, I know that there are many other bills that we want to get to today. These are my thoughts on Bill 183. We will have lots of questions in committee, and we're looking forward to having that. And so with that, Mr. Speaker, I'm willing to see this bill go to committee.