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DEBATES and PROCEEDINGS

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Bill No. 85 *The Saskatchewan Employment Act*

Mr. Forbes: Thank you very much, Mr. Deputy Speaker. Today I rise to enter into the debate on Bill No. 85. I usually say it's an honour, but today I feel that this is a sad occasion in the sense that we're probably going to be talking for the last time about a bill called labour standards, a bill called *The Trade Union Act*, a bill called . . . an Act called *The Occupational Health and Safety Act* — legislation that served this province very well, very well over the past many, many years as labour law evolved.

So I'll just stand and enter into the debate my thoughts on this, as I've been very involved with this over the last less than a year. And I do want to make that point because this has been one of the quickest, quickest pieces of legislation that's gone from an idea on May 2nd last year to the point that we're at today, and we have some real concerns about it.

And so I do have some thoughts on it, and I want to talk about our main concerns. And I do want to say, Mr. Deputy Speaker, that there's a phrase that I'll repeat several times today, is that if we don't learn from history, we are doomed to repeat it. And we have seen this with this government in terms of labour legislation. And whether it's essential services legislation that we saw that was rushed right after the 2007 election, became law, was challenged, and now it's in the courts, mired in the courts. And here we are some five and a half years, six years later, and we have not got any further.

And you know, I find it of passing interest that this year of all the storms we've had, we still talk about that storm of January 10th, 2007, where the blizzard in this province was so bad that the highway workers came out even though they were on strike just a few days prior to that . . . the impetus to that legislation, essential services bill, and the problems when we don't get it right, when we don't take the time to get it right. And we've seen that. And I do have some severe, severe concerns about this piece of legislation, and so we don't support this bill.

We would hope though that in the interest . . . that we understand the government has the

power and authority to make legislation as they see fit, that at least they take the time to get it right. And we would hope that they would delay it and take the summer to make sure that they get it right. But we do believe it is fatally flawed, and I'll get into those reasons why in a few minutes. But I do want to make sure that over the course of this afternoon that there is no misunderstanding, that we do not support this bill as it is. We think it is fatally flawed, but we encourage the government that if they can do nothing else with this bill, that they do take the time to get it right and delay the passage of it until the fall.

I want to set the stage, Mr. Speaker. I want to take some time further on to talk about the history of labour law in this province. I think it's a fascinating area. It's one that is so hugely important because, as we all know, the world of work gives us meaning to our lives. And whatever it is that we do, it's the regulations, the laws that protect us from exploitation, protect us from danger, and we must make sure we get those laws, those regulations right. So I want to talk a little bit about that.

I want to talk about what seems to be a much better way of approaching changes to labour legislation because we're not against improvements to labour legislation. And I'll talk in more details about why that is. But we are not against improvements, and we're not against taking a look at labour legislation and how it might fit a modern-day Saskatchewan.

But we are against doing it in a rushed, hurried way that causes all sorts of problems, unintended consequences. Because we know, we know in our economy, it is just so critical that we get the workforce right and that they feel safe and that they're treated fairly in the workplace. And if we don't do that, then we can create a lot of problems immediately and also further down the road. So I want to talk a little bit about that. I want to talk about the Arthurs report, and I also want to talk about what's happening across North America.

We are deeply concerned and deeply worried about the trends that we see with right to work, and we did see the idea that we might, the unions might have lost the Rand formula. And that wasn't the case though, and so that's a good thing, and we think that is a good thing. But there are some real challenges across this country, right across North America, and so we want to make sure that that's on the record too because we can get it right. And we need to get it right and that's really important.

I'll talk a little bit about some of the things within the bill. But I mean the bill is so, is so huge. It really truly is an omnibus bill. And we've seen a trend, particularly at the federal, the national level of omnibus legislation. And it becomes a bit of an awe-and-shock method of legislation where it's so big, where do you start? Where do you start? And it's too much to get into the detail because it has taken so long to evolve to that stage and when it's all wrapped up like this — now we see 12 pieces of legislation — that we clearly worry about this. And some people can't believe some of the implications of what the changes really are. They go, that can't be true. And we say, well it seems to be the case in here.

But of course the other part of an omnibus bill when you have legislation of this size, this quantity, that the implementation becomes a real challenge. It becomes a real challenge. So how will this be implemented? So we have some real concerns about that. And we do want to make sure we will raise this.

Now it's not the current minister's doing, the essential services fiasco that started six years ago, but he was part of the government that saw that. And so we think that all members on the opposite side would have learned a lesson from that when Justice Ball emphasized how important consultation is, how important it is to get it right, how important the balance of power between the employer and the employee is critical to make sure that it's respected, that you don't have unintended consequences.

And so we have some real concerns about not learning the lessons from history. So once again I'll repeat that. If we do not learn from history, we are doomed to repeat it. And it seemed to be . . . This is way too soon, way too soon for a government that it's in the sixth year of its mandate, that they're already falling into a trap of not learning from history, their own history, their own history, their own mistakes. And we often on this side — and we do this because we think it's important — we raise concerns about the quality of consultation.

And clearly this government needs to think, rethink how they do consultation and how important it is, how important it is to get it right. I do want make sure that we highlight some of the union concerns, some of the labour concerns because they are representing not only their members — and whether it be members who are in the health sector or whether it be members that are in the public sector or members who are in the private sector — but also they recognize their role of how important it is to give a voice to those who are vulnerable, those who are not organized, those who are transient in their workplace, those who are even temporary workers, that there are rights. And we do look to organized labour to be that voice at the table to make sure their concerns of whether it's fairness, fairness in wages, fairness in hours of work, but also making sure that the workplace is safe. And that it's important that if a person is trained appropriately, that the important . . . the equipment is in safe running fashion and that all of that is in place.

And so we have some real concerns, and I do want to make sure that we talk a little bit about that. And at the same time, I'll be raising some concerns that we think is important in terms of even agriculture because we see how important agriculture is to our economy, and we want to make sure that we recognize the critical nature of farm workers and how critical it is. It's important that they're treated in a safe fashion. That's very, very important.

And we'll also be talking about . . . I want to make sure we raise some concerns that the Privacy Commissioner raised. He wrote a letter, and it's very thorough, very thoughtful. And it's always one . . . I think of all the five legislative officers, we should listen to each one of those when they have their points of view on legislation. We should make sure that their voice is heard. Now clearly it's up to the government to decide whether or not they give any weight to it. We sure hope they do because these folks, we have them as officers because they bring an expertise and a thoughtfulness to the issues before us

through their own particular perspective, their own particular lens. And when you have people like the officer of . . . Privacy Commissioner talking about his concerns, I think we need to take a look at that . . . and interestingly some business thoughts. You know, the one thing . . . And it is interesting that the minister has placed on the website the feedback that he has received.

And it's been an interesting, it has been an interesting process where at one point I know he received over 3,000 responses. Two thousand were identical. They were faxed-in forms. It's a concern that we have about how authentic consultation is. I mean it's one thing to say we consulted, but it's a real other thing to say we went out and we met with people, both employers, employees, and we had a good, productive conversation about what we needed to do and making sure people had the capacity to have that conversation. And I'll talk a little bit about that when we talk about students and some of the challenges that they face.

And I also want to reflect and thank my eight colleagues here and the speeches that they gave. They were very thoughtful. And I do want to, if I can, if I have enough time before the end of the day, reflect on some of the things they said because each one of them brought some very interesting perspectives to this floor. And I think it's important that in summary we think about the work that they have done.

And so I think that's the thing that we want to talk about today. And I just want to lay that all out because I think it's very important that we have a plan of what I really want to make sure is covered in my remarks.

I want to start by saying that it was a real surprise on May 2nd, 2012, about four, five, six months after the November election of 2011, that we saw ourselves faced with this kind of review. When the minister said he launched a consultation paper, and he said he's going to allow 90 days on the review of labour legislation in Saskatchewan, I think people were aghast at 90 days to review 15 pieces of legislation that took over 100 years of law and parliamentary discussion here in our legislature and that it was all going to be done in 90 days.

But not only was it going to be in 90 days, but it was not going to be in person. There were not going to be any face-to-face consultations. They were going to be all mail-in papers. And so clearly that was going to not only cut out a significant part of our population, that it really meant that people's voices were not going to be heard.

Now the minister did set up a minister's advisory committee, and that's fair enough. I mean I think that's good to have at any time. That's a good process to have. But to give them this kind of role when . . . I mean they did not have a role in saying 90 days and only written consultations. That became a real problem. And then it really became an issue of what was going to be fair, what was going to be . . . How was this going to move forward? Some of the questions seemed pretty inflammatory. And the minister was not saying, you know. . . When we're talking about reviewing stat holidays, we're not really talking about that. We have questions in the House. And it really became a real problem because we weren't sure what was going to come out of this and what this was going to look like.

But the minister has kept his timeline. He said it was going to be 90 days, and they closed it off on July 31st. And then they released all the papers on the website. And of course that was quite a thing because obviously when you saw thousands of the same fact sheet . . . really raised the credibility, the integrity of the consultation paper. But the number was used over and over again as if it was some sort of licence to say we did consult, when really it added more fuel to the flame because really, did you really consult when you had that kind of response in 90 days, 90 days over the summer, over what we could consider holidays?

And then we saw the bill in its true form in the dying days of the Christmas . . . just before Christmas in December 2012. And of course then we were left with only two or three months then over of course a big part of that would be the Christmas holidays. So we were really worried about that, and we had some real concerns.

But not only did we have some concerns but also the folks who were on this advisory committee because on one hand they felt, fair enough, we will participate in this. And they had some real concerns. I know from the employee side that there was some real concerns, what they felt, and I agree with them that they felt they should participate. Then when the opportunity is to have the ear of the minister and the ministry, a person and a group should do that. It would only be the reasonable thing to do. But they realized the size of the work that was before them and the impact, the potential impact of this was going to be very significant.

And so when this all came about, many of the . . . In fact it was the labour side or members who represented labour who then went and had a press conference and asked the minister to reconsider the timeline — not to reconsider passing the bill, not to reconsider whether or not he had the authority to do the bill, but reconsider the timeline so that people could fully appreciate what was before us.

And I think this was only fair and only reasonable. And there appeared a commentary in the daily papers here in Saskatoon and in Regina, and it was very thoughtful. I thought it was the reasonable thing to put out there and the reasons why. And I'd like to quote from that, Mr. Deputy Speaker. The headline is "New Sask. labour law: why the rush?" *Leader-Post*, March 6th, 2013 on page 8. And I'll read the first part, and I quote:

As labour leaders, business leaders and government we have a responsibility to work together to maintain a stable, balanced and fair work environment for all people in Saskatchewan. We have been charged to preserve the rights and freedoms of choice we all enjoy resulting from the solid foundation of labour legislation we have built together over the past 70 years.

We challenge ourselves to be thorough in our review of any major legislative changes so that we may reduce the risk of unexpected and unintended outcomes that could harm the livelihoods of the people we serve and the community we seek to enhance.

And so he goes on to say:

Saskatchewan stands at a precipice of labour instability with the introduction of a sweeping and rushed overhaul of the province's labour laws in Bill 85 — the new Saskatchewan Employment Act.

And so he really sets the stage and says we should be really concerned about this. We're really at a crossroads of doing the right thing and making sure that we're thorough, that we know it's the best piece of work we can do and not be held hostage to a false deadline that really, really doesn't matter. It doesn't really matter whether it's May 16th or December 31st just as long as we get it right. There's too much at risk.

And you know, Mr. Speaker, we had a good debate the other day about the economy of Saskatchewan and how well it's doing, and I was disappointed that the other side did not mention the role of working men and women in making that economy as strong as it is. Clearly business has a role and has done so much, and we appreciate that, but you've got to admit that it's the working men and women who've made this province what it is. And when we put what we have at risk, it's a dangerous, dangerous thing.

And so let's get it right. Let's get it right, you know. And goes on to say, and I quote:

It raises a question: what is driving the government's rushed efforts to pass Bill 85 in the spring sitting of the legislature? There is always a danger that far-reaching legislative changes, when driven by undue haste, can create unplanned consequences, as seems to be the case in this instance.

What is of equal concern is if the people of Saskatchewan understand how these changes will impact them, their families and their businesses.

And what they're concerned about, and I quote:

For individual workers, the balance of current legislation will shift dramatically in favour of employers.

Under Bill 85, employers will have the discretionary power to limit whether employees are able to access the traditional two consecutive days off in a work week. Scheduled lunch and rest breaks may no longer be the common standard . . .

And he goes on and on and describes this. And he says, and I want to close with this:

We are all part of the "Saskatchewan advantage" and the biggest economic boom in our province's history. We have the lowest unemployment rate today in the country and more people are moving to our province than ever before.

All of this has been achieved under our current labour legislation — there clearly is no crisis requiring a hasty fix.

Modernization of laws is a good thing, but it requires thoughtful and inclusive review and that will take time.

There is no harm in taking time, but there is a worrying potential for real damage if passage of this new legislation is rushed.

So, Mr. Speaker, end of quote. I think that's an important, important piece of advice for us. Let's take the time to get it right. Now on this side of the House, we think there's some fatal flaws that are hard to get past. But the government is the government, and they've been working with an advisory committee that's reasonably saying, let's take some time and get this right. This is a real problem. This is a real problem.

You know, and we see, Mr. Deputy Speaker, that this government is quite okay, quite okay about taking some time to get it right on some other issues. We see the lobbyists' registry that we understand, after the election, was a key piece of legislation. That was a priority for this government. This Premier was very concerned about how we stood out across the country because we did not have strong legislation in this area, and we needed to do something about it as soon as we could. So we even responded. We thought that was very important.

And so where is it now? We heard from the Minister of Justice when asked about it a few weeks ago that he wants to make sure he gets it right. Well that's a good thing. That's a very good thing. And I think that we applaud that. We applaud taking the time to get it right. But it shouldn't be inconsistent, that one minister thinks it's the right thing to get it right, and the other minister says, we've got to live to our timelines no matter what, no matter what people are saying. And so, Mr. Speaker — I want to make sure that I get a good glass of water here — but I think we want to make sure we get it right.

And when we see that . . . And we saw that with the people who ride motorcycles and raised a lot of concerns about the fact of the increased rates. And they were able to say, hey maybe we should take the time to get that right. And of course there's a lot of debate on that, what's right and what's appropriate, but they are taking the time to get it right.

So we see examples of this. We see examples of taking the time to get it right. So we have a lot of questions about why. Why the rush? And so, Mr. Speaker, I think this will be something that this government needs to wrestle with. And why is it for one case that they will not do the right thing and on the other hand they seem quite open to it?

The other question I have and, Mr. Speaker, we saw this in the budget debate last week that we raised questions about, I raised questions in my speech about the implementation of this bill. We did this a year ago actually as well. When this was announced as an initiative on May 2nd we asked, what are the extra costs that are provided for in the Ministry of Labour's budget? And at the time the minister said not to worry, that in fact he would be able to absorb it in the existing budget, that there was not going to be any extra costs, that in fact everything was going to be quite fine. And we were a bit surprised at that time when he said that because we know when you're overhauling 15 pieces of legislation clearly there were going to be costs. Clearly there were going to be costs.

We did raise concerns. We were worried about the impact, especially in terms of were there the resources within the ministry, particularly because of the lean initiative. Who

was going to be writing this legislation? And of course we were assured that not to worry, that everything was going to be all right. They had the resources and the capacity to do this thing.

And then we found out in December that in fact that was not the case, that in fact we had to have supplementary estimates where they needed an extra \$700,000. They had spent between May and the end of November \$700,000 on the consultation process. Part of that was the fact that they had spent \$200,000 on consultants to actually write the bill. And so now we're at that same stage where . . . So the bill is out and we had four months left in the year. And now we're in a new year, and there did not seem to be any new resources set aside for the work that . . . implementing this bill.

So we have some real concerns about this because we know that there's so much more to this bill that needs to be done, so much more that needs to be done. We're waiting and we've heard that there will be a need for between 350 and 1,000 regulations and a significant numbers of regulations that will have to be written before parts of this piece of legislation can come into force.

And we're not sure exactly even how this bill will come into force. Will it come into force as a complete package? Will only sections of it come into force? I mean, Mr. Deputy Speaker, it kind of negates the hope and promise of having one big code if you're only implementing parts of it at a time. And we know for sure there is one big gap when it comes to the section around essential services. That is still there and so we have some real concerns about that. So there's some real questions.

And then you set this against the backdrop, Mr. Deputy Speaker, when there was no promise, no forewarning, particularly during the campaign, that this kind of omnibus, this kind of labour legislation overhaul was going to be happening and that was part of their legislative agenda, in their legislative agenda. I mean it wasn't even part of the Throne Speech, Mr. Deputy Speaker, when we got back after the election. So we have some real worries.

But, Mr. Speaker, were there . . . Are there other concerns that this government should be addressing? Well for sure there is. Absolutely there is. You have this kind of work being done when we have one of the worst safety records in Canada, and it's been for many, many years, Mr. Speaker. And it's something that we all should get behind and say, what can we do? What can we do about our safety record here in Saskatchewan when it comes to our workplaces? And again we've got to have more than words. We've got to have more than fancy slogans. We've got to have more than that.

And I think that if there was a priority that when you see the kind of the things that are happening in Saskatchewan in terms of our economy, we clearly need to act in a much more comprehensive manner when it comes to workplace safety. That would have been something I think should have been a priority for this government. It still should be a priority. And that's where we think we should . . . where the government should put its efforts. When they're saying we need to do an omnibus bill, we're saying, why? And that answer has not been asked and we can say, these are the things you should be doing.

Mr. Speaker, we can talk about the worker shortage too. Clearly we see that, and that's an issue that keeps coming up in the media and the papers. And whether it's the government sponsoring junkets to Nevada or Ireland to hire workers, we should be doing a lot more to make sure our own people have the skills and the things that are needed to participate in the workplace. And we know that's a real issue. That's a real issue. And we could be doing much more in terms of addressing the labour shortage in this province. And that's something that, again, priorities. Isn't it? It's all about priorities. What are your priorities? And we think these are real priorities and employers are saying and employees are saying.

You know, we know that there's many trades and we've heard about electricians and in fact . . . And we did have a member statement earlier today about the unemployment rate here in Saskatchewan and the good things that are happening here. It's not so good in the rest of Canada. Why aren't we doing more to connect with the electricians, those types of trades and saying, come out to Saskatchewan here. And so this is something that we're wondering about. Why, why is it that this seems to be the labour priority?

Then again though, as I said, it's a priority and not a priority. It all depends. For example when we had the budget debates over the past few weeks and not mentioned at all about the government. So on one hand, it's a key piece of their ideology that they're putting forward and they're stubborn about doing it. And on the other hand, it's just not an issue that they want to really address in terms of considering the fullness of the work that they've got to do both in terms of being thorough, complete, thinking about all the unintended consequences, but also the fact . . . improving our workplaces, improving our workplaces so they're safer and they're fairer. That's really critical.

And of course we were all . . . The other issue that I just want to highlight because I think it's so important, and while there's been some gains made in this area, just clearly not enough in terms of Aboriginal employment. We need to do so much more there. We were disappointed on this side when they cancelled the Aboriginal employment development program, clearly a program that was working. We are waiting and waiting for the work that the government has put out there in terms of a report, in terms of how the education part can be addressed in a more appropriate way. But we really are concerned that this should have been, it should have been a bigger priority for the Government of Saskatchewan.

And so we have those. Those are real, real issues. And I think that as we move forward, Mr. Deputy Speaker, as you know, every day I read a petition calling for a delay of this bill. It's very important that we consider that. And I'm not just doing that to stand up every day. I think it's really important that we do think about the impact of getting this bill right, and it's hugely important that we do.

And so what I'd like to do, Mr. Deputy Speaker, if I could talk about this petition that we have. Because every day I read parts of it but I haven't read the whole thing, and maybe people at home would want to know more about this petition who are tuning in right now.

But I take this bill and it talks about the 12 pieces of legislation that have been rolled in

together. But as I said earlier, the proposed Saskatchewan employment Act introduced in December of 2012 is a sweeping rewrite of our labour laws, including but not limited to The Labour Standards Act, The Occupational Health and Safety Act, the health labour relations reorganization, and The Trade Union Act.

And since The Saskatchewan Employment Act was introduced in December, literally hundreds of hours of study in comparison have been carried out in the interests of due diligence. But there is no labour relations crisis to fix, and no necessity to rush this omnibus bill through that will likely govern workplace relations for decades to come.

If Bill 85 becomes the new consolidation of labour laws in this province, working people — particularly the young workers, immigrant workers, and other vulnerable workers — will suffer from a hasty watering down of our current labour standards which set the mandatory minimum for all Saskatchewan workers. Stable labour relations in all sectors run the risk of being thrown into turmoil as a result of Bill 85's sweeping changes. Thousands of represented workers stand to lose their rights to bargain collectively and be represented by the union of their choice.

And so there is a prayer that goes with this petition:

We, in the prayer that reads as follows, respectfully request that the Legislative Assembly of Saskatchewan take the following action: cause the Government of Saskatchewan to not pass Bill 85, The Saskatchewan Employment Act in this current session before the end of May and to place it on a much longer legislative track to ensure greater understanding and support for the new labour law.

And many hundreds of people have signed this bill, and it may be into thousands. But I know, I know and I've seen the Minister of Labour actually receive postcards from CUPE [Canadian Union of Public Employees]. And we know as well that there are many letters being sent to the Premier and to the minister urging them to step back, take some time, and think about, is this the most appropriate way to do this?

And you know, Mr. Deputy Speaker, I do want to read one letter. You know, it seems like I'll be talking, I will largely be talking from the workers' side. It's interesting how in some ways this hasn't really caught fire. There are some people within the business community that are quite supportive of this, and I appreciate that. But it's not caught on as much as I thought it might have. And here is an example. This one, actually this is a letter that's from the Ministry of Labour's own website. And it's submission no. 341(0), and it's from Ray A. Graves, president of Saskatoon Boiler Mfg. Co. Ltd.

Now it is addressed to the Sask Party, Saskatoon Silver Springs, attention the MLA for Silver Springs. And this is what he says. This is what he says. So it's not just labour saying this, but this what a business person has said:

The proposed new Labour Legislation is an absolute disaster for our firm. It will cause us to spend enormous amounts of money for no improvement in safety of our firm, because our firm's safety history is so good. The legislation will

penalize the good firms in hopes of improving the bad ones. Our already precarious competitive position will be further damaged. Our immediate problem is that no one is listening to us.

So, Mr. Speaker, it's not just unions who are saying this but just generally everybody is saying, let's get this, let's get this right. And I think that the onus is on the government to get it right. It's taken several decades for us to get to this stage, and let's get it right.

So, Mr. Speaker, as I said from our side here, I want to take a minute and I want to step back and talk a bit about the history of labour in Saskatchewan. And I do find this very interesting, and I know that a few people over on the other side find the history of our province fascinating. And it's always a good thing if we can take a look and say, so how did we end up where we are? How did we evolve to this? And there is an excellent book out there called *On the Side of the People, a History of Labour in Saskatchewan*. And this was written by Jim Warren and Kathleen Carlisle, and it was written in 2005 as part of the centennial projects — so many centennial projects that were done across Saskatchewan and from different perspectives. And it was a way to reflect back on what was our collective history. How did we achieve so much in our first 100 years as a province?

And of course it would be misleading to think it was just 100 years. Obviously we need to honour and respect and think about the contributions of the First Nations and the Métis people. And in fact, as I've said to many people, our first labour dispute in many ways was something, and I believe it was in the late 1700s, 1777, when the first organized labour dispute happened in Saskatchewan, in the Saskatchewan territories. And it was actually in Cumberland House where the First Nations and the Scots organized against the Hudson Bay Company because they felt that they were being treated unfairly. And so that was our first workplace action. It was a stoppage where people thought that they weren't going to work for their bosses until they got treated fairly. And of course it was very brave to do because it's not an easy, it was not an easy lifestyle working in the fur trade industry.

And so that was interesting. Of course then the book goes on and talks more about some of the things in the early 1800s, the mid-1800s, and of course the railroaders of course were the first, were among the first organized workers to come. And it's a fascinating history. And of course, and John A. Macdonald introducing the first trade union Act recognizing the right of workers to organize. And ironically, Mr. Deputy Speaker, *The Trade Union Act* that he called for I believe took out the offence, that it was no longer a criminal offence to belong to a union. But it still had problems if you belonged to a union. So it was really quite interesting.

But the section that I want to focus on if I may, Mr. Speaker, is the fact that this government seems to be quite infatuated, and I know this Premier is quite infatuated with Premier Walter Scott. And it really came to be a bit of a neat thing when I learned that Walter Scott of course was a strong trade unionist in his own way. He belonged to the international typesetters union. And so for Walter Scott, unions were very, very important. Labour was very, very important. And it was important because it meant that

working people could make ends meet, and in fact there was a way of creating a middle class.

And we've seen that particularly over the course of the 20th century, and it's kind of lost its way in the last decade or so, but governments realized that you need to do something to protect the middle class — the people who earn the basic income so they can meet their basic needs, but yet have something more for their families so their kids can go to school or participate in their communities, make their communities a much better, healthy, vibrant place to be.

But I just want to talk about this because you know, Mr. Deputy Speaker, we just celebrated the centennial of this building last fall. And it's interesting that in fact we'll see a statue be raised in the near future, I'm not sure, about Walter Scott. And I think it's interesting to reflect a little bit about Walter Scott. So I'm just going to read this section, and I think you will find it interesting. And the subtitle is "A Friend in the Premier's Office."

One 1908 liberal election ad read, "Vote for Scott and Boost the Union Label." Nor was this just an empty slogan. The Scott Liberals met a number of labour's legislative demands during the boom. These included a prohibition on the use of prison labour, the fair wage clause in the legislative building contract [so that's very important because when we were building this there had to be a fair wage contract clause], and the creation of the Bureau of Labour.

So as Walter Scott, who created the first Bureau of Labour here, that's very important.

As well, *The Mechanics' Lien Act*, *The Woodsmen's Lien Act*, *The Thresher Employees' Act* were all designed to give some assurance that owed wages would be a first obligation on employers.

And in fact, it was interesting, during question period today we had somebody come here with that very same issue because he wasn't being paid by an agent of the government. Here we are 106 years later dealing with that same issue, making sure people get paid — get paid. Very interesting.

There were other gains. In 1909, the unionists got their Act for the protection of persons employed in factories (which applied only to women and children). The Act limited the work day for women to ten hours [it's interesting that we're going up to 10 hours now but limited to 10 hours] and prohibited the hiring of children under fourteen years of age. [And of course it was this government who lowered the age of employment pending passing of certain tests.] Safety regulations were developed for electrical workers, as well as a law requiring proper scaffolding on construction jobs. The union label was required on government printing.

Which I find very interesting, Mr. Speaker, because we often refer to that union label as the union bug. And I think it's really critical. It's very interesting that Walter Scott was the one who put that forward.

The fair wage system was extended to railway construction and other operations where provincial financing was involved. Employment agencies were required to be licensed and fee splitting between such agents and company managers was prohibited. The labour councils were also on-side with the government decision to take an ownership stake in the provincial telephone system.

So there I see the idea of our Crown systems. But:

Not all the victories were so laudable. In response to labour's antipathy towards Asian immigrants and the racism common at the time, it became illegal under a provincial statute for a white woman to work in any business owned or managed by any "Japanese, Chinaman or other oriental person." This piece of legislation [formally was] known as *The Female Employment Act*, odious by today's standards, was actually in force during the first decades of the 20th century. Surprisingly, it survived in statute books until 1969, when the Thatcher government got rid of it in conjunction with the creation of *The Labour Standards Act*.

As well, Mr. Deputy Speaker:

In 1911, the Scott government created one of Canada's earliest workers' compensation schemes. The new Workman's Compensation Act didn't eliminate civil action suits. An employee could still take a chance, hire a lawyer, and sue an employer for damages. If, as was usually the case, the employee couldn't prove the financial loss due to the accident was entirely due to employer negligence, he or she could ask for compensation under the Act.

So, Mr. Deputy Speaker, I just want to put that out there because I think it's interesting to see where we've come since 1908 when the first Bureau of Labour was created, and this building was being built. And the idea of people being able to get their wages that they were owed, whether they were on a threshing crew, or a crew, a construction crew, as we were dealing with today during question period. So it's very interesting that we have this kind of situation.

And, Mr. Speaker, I think it's also interesting to take a look at what's happening federally. You know, we've all heard about the private members bills, particularly Bill C-377. And it's very interesting because this is essentially the one that talks about how trade unions spend their money and the role that Canada Revenue Agency will have in following that. And there's a whole mix of opinions, but of course the Harper government seems bent on making that happen. And they're doing it in unusual ways, typical ways that you would not see done in parliament. And now we see that it's coming out as private member bills. And we see that there will be even more of this kind of thing happening.

But I do want to talk about this because I think it's interesting that the other side realizes this is not just an NDP or a liberal idea, that there's concerns about this, as I've said with Walter Scott that in fact he was a strong liberal and thought it was the right thing to do to

support labour.

This one talks about Hugh Segal and his view about Bill C-377 and how he speaks out against the Bill:

Hugh Segal, Conservative Senator and former advisor to Premier Bill Davis and Prime Minister Mulroney, has spoken out in defence of trade union rights and against Bill C-377 . . .

Senator Segal explained that Bill C-377 is “bad legislation, bad public policy and a diminution of both the order and the freedom that should exist in any democratic, pluralist and mixed-market society.”

He goes on to say that he believes that “society prospers when different views about the public agenda, on the left and right, are advanced by different groups, individuals and interests. Debate between opposing groups in this chamber, in the other place and in broader society is the essence of democracy. Limiting that debate as to scope and breadth is never in the long-term interest of a free and orderly society.”

He goes on to say:

At one point Segal says that [and I quote] “this bill is about a nanny state; it has an anti-labour bias running rampant; and it diminishes the imperative of free speech, freedom of assembly, and free collective bargaining.”

He goes on to say:

The bill before us today, as well as right-to-work legislation that is being proposed in the other place as a private member’s bill, is not who we are as Canadians. It is time this chamber said so.

And he was of course referring to the Senate. And I think it’s great that he can stand up and say that and support labour. So it’s not just a New Democratic value — but it is a strong value of ours — that we support many of the labour ideals and values. But it’s also one that Liberals — in fact, Conservatives — have. And we know that because it really does coincide. It really runs deep with what we believe our community should be in terms of our core values.

And so, Mr. Deputy Speaker, I think with all of that being said, it really adds more intrigue to, so why are we doing this? What is the rush? Why not get it right? Why not take the time and do a piece of legislation that we feel will stand the test of time, that will have integrity, that can survive scrutiny, that we won’t see in the courts like we have with the essential services piece of legislation and other pieces of legislation?

But we are particularly concerned that, as I’ve said, that if we do not learn from history, we are doomed to repeat it. And I am very worried that in many ways that is what’s going to happen with this piece of legislation, that there’s just too many problems with it.

Simply put, there's just too many problems, and we're going to see it come back to the House or we're going to see it ended up in the court. And we have some real, real concerns about it.

Mr. Deputy Speaker, I want to take a minute and share with you some other ideas of how this should have been done. There was a review done of the federal labour standards. This is a report called *Fairness at Work: Federal Labour Standards for the 21st Century*. And it was the review . . . And you can see this, even by the book, it's a quality piece of work.

And it was interesting, the minister and I had a chance to talk about Bill 85 at the U of S [University of Saskatchewan], the law forum there. And we found it very interesting. And one of the people who got up and actually was also on the forum was one of the people who participated in the writing of this. And I think it was very . . . she was quite proud that many of us still look at this piece of work and think of it as something that we should all take some time and do it right.

Now her name is Daphne Taras. And she was one of the expert advisors; there was four. But the thing is what you do is — four advisors to Harry Arthurs and his work as commissioner on the Federal Labour Standards Review — you do take the time to get it right. You do make sure that you're proud of the work and that it will stand the test of time. In 10 or 20 or 40 years you look back and say, that was a good piece of work. That was very thoughtful. It was very thorough. It anticipated some of the issues that we'll see into the future and it solved some of the problems that we had in the past, but it preserved the balance of power that we have in Saskatchewan because that's what's got us to where we are today. That's what's got us . . . And so one of the, I won't go through the whole book, but I do want to talk about a couple of the principles.

He started out by saying, I want to set the stage by having key principles about what really matters. What are our principles? We're going to take a principled approach to this and there is a way of doing that. Now this may be foreign to this government to have a principled approach to the kind of work that they do, but this was something that was very important to Harry Arthurs and was well-received. And I think that it's something that we should take a minute to reflect on before we go too far further with this. And the first fundamental principle he had was principle one, decency at work, and I quote:

Labour standards should ensure that no matter how limited his or her bargaining power, no worker in the federal jurisdiction is offered, accepts or works under conditions that Canadians would not regard as "decent." No worker should therefore receive a wage that is insufficient to live on; be deprived of the payment of wages or benefits to which they are entitled; be subject to coercion, discrimination, indignity or unwarranted danger in the workplace; or be required to work so many hours that he or she is effectively denied a personal or civic life.

Isn't that a worthwhile goal or principle that we should really strive to do our legislation on? I think that's just a fundamental principle of who we are as Canadians. Now we could talk about that and translate it into, from labour standards to labour, our workplace,

that type of thing, but I think it's something that we should really reflect on. What is the principle or principles that were driving the consultation paper that caused us to overhaul 12 pieces of legislation like that? I think that's really important.

Interestingly, Mr. Deputy Speaker, the second principle that he talked about was the market economy. So he reflects on the fact that this is a kind of economy we have in Canada. And I'll quote that: principle two, the market economy:

Labour standards ought — so far as possible — to advance the decency principle in ways that allow workers to contribute to, and benefit from, the success of Canada's market economy. Because successful enterprises are better able to treat workers decently, labour standards should support and, if possible enhance, the competitiveness and adaptability of enterprises.

So here you have I think a very important one, I think that most businesses would say makes sense. We want to create an environment where workers are treated in a decent fashion, safety, and fairness but we don't want to impede our market economy because that's where jobs are created, and that's very, very important. So this can be a balance. This can be achieved. And it's an important area that we think more about.

And so he goes on. It talks about flexicurity, a level playing field, the workplace bargain, and inclusion and integration which really talks about human rights. And I think that's a key, key aspect of it because as we know in our communities today, human rights, the meaning of human rights is expanding to honour and respect more diversity and the challenges that people face in our communities. And I think this is important.

In fact I'll read . . . This is principle no. 6:

The decency principle requires that labour standards be inclusive, in the sense that all workers should enjoy in the workplace the full benefits accorded them by human rights legislation. The inclusion principle, in turn, requires that all workers enjoy like opportunities to integrate their working lives with their personal, family, cultural and civic lives in a balanced fashion.

I think that's huge, Mr. Speaker, that we think in those terms. And that really speaks to a higher level of thinking that I think we should be aiming for when we talk about this kind of legislation.

And principle 7, respect for international obligations, and we saw that. We saw huge problems with essential services that did not respect the International Labour Organization and its standards for consultation. And that was where things started going off the rails around essential services legislation — when it was clear that we were not in accordance with international labour law.

So when we talk about appropriate uses of public resources, high level of compliance, how we want to make sure . . . And this is a question that I've had about the budget part. When we want to ensure high level of compliance, how is it that there doesn't seem to be — and we will dig into this — any extra funds or resources to ensure such a bill like this

size is actually implemented? Can it be implemented with the resources that the ministry has set aside for it?

Now we know last year when it said it could do everything and didn't have to have any extra resources, it actually spent 700,000 more dollars. How is it that we're going to see this implemented and that there's actually going to be a high level of compliance?

And regulatory . . . There's some flexibility, talking about . . . You know, we have to deal with the realities of employment in diverse circumstances.

And clarity: "Labour [laws] . . . should be clearly stated, and workers and employers should have easy access to accurate and understandable information concerning their rights and responsibilities."

And I want to end this part with principle 12, circumspection, which I think is huge. The last principle he says is, and I quote:

Labour standards should be designed and implemented so as to avoid unintended harm to workers who are the intended beneficiaries of the legislation, and to avoid unnecessary costs and inconvenience for employers who are intended to be regulated by it.

Where standards seek to alter established practices, expectations or cost structures in a significant way, it may sometimes be appropriate to introduce changes gradually so as to permit necessary adjustments in management personnel practices, and to minimize negative impacts on firms and workers.

So they're talking about being realistic, but making sure that if you're changing the legislation here, that you are actually changing it in a positive way but respecting the idea of the balance of power, that you don't upset the balance of power. We've created a province, a provincial economy that's so strong, but yet I think that there is a real risk, a real risk that we may have some unintended consequences and we will see this piece of legislation either being challenged or bringing back with several pieces of amendments or in the courts. The implementation plan is unclear. Is there resources? How will it be implemented when regulations aren't even clear? So we have some real problems with this, Mr. Deputy Speaker.

Now and as I said, you know, I do want to just talk briefly about some of the concerns that we have, but it is not the exhaustive list. It is clearly not the exhaustive list because it's impossible to have that exhaustive list because of the shortness, how tight this reference and examination of this bill over the short three months, that we got it in December and it began again in March. And we're seeing more and as we speak, we get more and more information about concerns that we should have or the meaning of this, the meaning of that, and so . . . But I do want to highlight some of the concerns we have and some of the other concerns that we've raised.

So first of all, we are really concerned about the overtime and the end of the eight-hour workday as we know. And the minister will assure us that it's not really the end, that in

fact people can work eight hours, and I suppose they could work six hours as well. But we do now make it a lot easier to have a four times 10-hour day, and that's our workweek now. The 10-hour day is back, and it's much easier to do and that's a real problem. And we see that there are those employers who are celebrating that as a victory, that they now see it is a 10-hour workday and that there's no overtime for that. There's simply no overtime for that unless you get over the 40 hour. But then we're not clear about the 44-hour implication. We'll have to wait to ask questions on that. So we have some real concerns about the overtime and the end of the eight-hour day. We think this is really, really sad that this has happened in this way.

As well, Mr. Speaker, we have deep concerns, we have deep concerns about the minimum wage. Now the minister has said that he will index it. Three months has passed. We have not seen any indication of any of the regulations that show that it will actually be indexed. We believe the indexing should be in the legislation because it's there that it will be solid, it will be fixed, and we can count on raises every year. When it's in regulation that can be changed, and we won't see those regulations. In fact the regulations won't be debatable in this House because we don't debate regulations. They are passed by cabinet, advertised in the Gazette.

Now they may, and I do hope the minister does, take the time to get some feedback on the minimum wage regulations. But we have some concerns about that. First of all, I want to say that I think that the indexing should be in the legislation, not in the regulation.

But the other issue that I am very worried about is the minimum call-out. And I raise that as a flag because I think that it's one that many people don't really understand, that there's a minimum number of hours that you can be called out for and whether . . . Right now it's the equivalent of three times the minimum wage. So if you are paid \$15 an hour, then you essentially get paid for two hours, because that's the equivalent to three hours at minimum wage. But I am very interested to see what happens around minimum call-out.

And the other issue about minimum call-out is around university students and whether they will be disqualified for being . . . qualifying for minimum call-out. Up to 2007, the regulations were unclear about whether university students were high school students and fell in that category because they don't qualify for minimum call-out, or were they in the category that did qualify? So we're waiting to see. We saw the letter from the University of Saskatchewan that said that they think the minimum call-out should be cancelled for university students. We were very, very, very disappointed about that because we think that's important for university students who are trying to make ends meet. And when they go to a restaurant for their call and they should expect to get three hours, and they may only get one hour, I don't know. It'll be interesting to see what happens with the regulation. This could have a huge impact, that instead of . . . You think you're going to get your \$30 for going to work; you find out you get \$10. Not only that, then your tips may be based on your hours as well, and you get two-thirds less, ending up getting one-third. So there's some real changes in that.

Mr. Speaker, I am very, very concerned about the end of the weekend. I have to say that the disappearance of the word Sunday in the legislation is worrisome. The minister has

said that this tends to be the way in other provinces. We found that's not the case, and in fact it's split, that many provinces have retained Sunday within their labour standards. And so now we can potentially have, you get two days off if you meet certain criteria, but it doesn't have to be Sunday. And the old Act said, Sunday wherever possible. We think that upsets the work-life balance. We know kids are at home on the weekend. This could have huge implications. And we're disappointed that this is an erosion of benefits for those people who are working and just expect to have Saturday and Sunday off. And I think that we could have a much more proactive response to this, and I'm deeply concerned about that, Mr. Speaker.

I'm concerned about some of the issues around the impact that this has on labour, organized labour, particularly around supervisory employee and the splitting of bargaining units and the impact this will have not only in the workplace itself, where you start . . . when people who had . . . You know, they identify. I think of myself as a teacher but I was an administrator. I would have hated to have been pulled out of my staff. I think that's really unfair to have that circumstance happen. And so I worry about that, Mr. Deputy Speaker.

And this is something that they're talking about in a lot of public sector offices, and the impact that will have. The impact that will have actually on the cost of bargaining will be huge too. And I think this is a slippery slope. And it's one of those things, be careful what you wish for because this could cost a lot more money because you're bargaining twice as much and with smaller unions. I think this could be much more complicated than this government has thought through. So we have some real, real concerns about that.

And of course the accountability piece. I've always felt that unions were accountable to their members and had processes in place that worked and that there were ways of addressing concerns within unions with the Labour Relations Board, that if you had a problem you could . . . Your needs could be met. And I just think that it's unfortunate that these kind of heavy-handed strategies of this government to put these in this omnibus bill gets to be a real problem.

And so we have real specific concerns about this, the public holiday swaps. As I said, the 44 . . . Now the 44-hour workweek, what does that mean? Meal breaks, layoffs, a new director of employment standards, a new position created there. We have some real concerns about that. So, Mr. Speaker, this is a real problem.

And you know, the other issue, and when I talked about the Arthurs report, talked about clarity. And you know, when you look at this bill and you try to read through it and, you know, we've had people try to read through it and they've tried to use the concordance that the government has, but you know, when I look at this, you know how many times employee is defined? There are at least four different definitions of employee in this bill.

Now interestingly an employee in the employment standards are called employees, but in occupational health and safety, they're called workers. So how does this work that the bill adds clarity to the discussion? And so in the sense what you're really ending to have to do and this is, you know, one hand they say it's great to have this all together. In this day

of technology, you could have it all together. You have it on your tablet or your iPad or whatever. You could have it in the same binder, just have dividers, and then you have them pretty much like what you have now. So we're not sure what the game is here to have one big Act. And of course the issue will be when it needs to be opened up, because then you actually open up the whole bill.

So, Mr. Deputy Speaker, we have some real concerns about this. And I did want to raise . . . You know, in one hand, I talk about those big picture ones, and many of the unions and other organizations have identified their top 10 or top 20, but the real issue is . . . The devil's in the details. The devil's in the details, because we don't know what the implications are until they're tested in court or in Labour Relations Board, and lawyers have to push this, this scrutiny, and it becomes a real problem. What does it really mean? And what does it mean when the language has changed? And what does it mean when you're called an employee under the employee standards Act but a worker under occupational health and safety? Why the different terminology? What's the implication there? So we have some real concerns and I think this is very, very important. But the devil's going to be in the details.

But I do want to talk just briefly about one group that was left out from the discussion. That was farmers. You know and, Mr. Deputy Speaker, when you were . . . If I may say you were critic of Labour at one point, and you know that on April 28th we'll be reading the names of the people who were injured or who died at work and unfortunately . . . There are some groups who are not part of that group. The two groups that I'm referring to is, one is teachers. Teachers will not be listed. And of course we don't know how many teachers have died at work, whether, you know, whether through heart attack or different things that happened at work. But also through, particularly what we've seen in the States but it's happened here in Canada, where you have violence in our schools. And I think about what happened in Massachusetts last December with the shootings, and teachers have died there. I think that we need to think more about this.

The other group that we need to talk a little bit about are farm workers. What's happening with farm workers? When I was Minister of Labour — but I probably would think this has been raised many times before — that actually farm workers weren't recognized on the Day of Mourning. And that was really unfortunate because I think farm workers who have died in their workplace should be recognized, and for some reason they're not. And the reason given is because the day . . . The people who are, whose names are honoured on April 28th are provided by Workers' Compensation Board and it's those people. But it could be expanded. And I can't see why not, why we couldn't expand it to farm workers.

But what's interesting — and you would see this more than I would because you have a rural riding and I have an urban riding — but the nature, the change of the workplace in our farms and what's happening there. Are we doing all that we can to make sure that they're safe? And as well, as we see new employees, to make sure that they're treated as fairly as they can be. Now this is a question I can't really answer very well, but I do think it's a question worth exploring. And I think it's very important that we take some time to think about that. So I find it really disappointing actually that we didn't have that discussion, that we didn't have that consultation around farm workers. And I think that

this is an important one.

And the other group that we didn't really talk a lot about was temporary foreign workers. Now there is another bill before the House, I believe it is Bill 53 or 83 ... I believe 83, the temporary . . . Yes, it talks about temporary or foreign workers, a big factor in our workplaces today. And we want to make sure they're treated fairly and with respect and that safety . . . That when they come to our country that in fact that we live up to our reputation of being a fair and safe place to come and work. That they're not coming here to be exploited, and they're not coming here to do things that others would not do. And I think, Mr. Speaker, we have a huge responsibility there.

So I'm curious about why temporary or foreign workers are not included in this. In fact we have a separate bill that deals with their concerns. I would think that they would be part of this omnibus legislation, but clearly they are a glaring omission and I think that they should have been considered part of this.

So, Mr. Speaker, I know that before I wrap up, I want to acknowledge the kind of work that my colleagues have done on this, that they've worked very hard to make sure that all the points of view have been brought forward concerning this piece of legislation.

We're looking forward to having more questions about this. But as I said we clearly think this is a fatally flawed bill, that there should be more time taken before it moves to committee to deal with some of the issues that we've identified, that there is just too many problems with this. It's being rushed forward. There is no need for it to be as rushed as it is. It's causing a lot of concern in the workplace, and as I've read into the record not only from labour, but for business as well, the great unknown is worrisome. And so the fact that it's not very transparent is also very worrisome. And so, Mr. Speaker, we have a lot of, a lot of concerns about this.

We see that this government has been able to step back and do the right thing. When we think about the lobbyist registry, that they're taking some time to get it right. We are a little concerned about the fact that we thought they'd be much quicker, but if they're going to get it right, then that's a reasonable thing. We are concerned about the implementation of this bill, that there's not the resources in the budget for it. We have some real, real grave concerns that when we think that a bill like this will have an impact in a positive way, that in fact we will see nothing positive, that in fact that we will only see the negative of it. And that's really a problem.

And it doesn't make a lot of common sense, does it, Mr. Speaker? The fact that the middle class will be hit by this, our young people could be hurt by this when it comes to minimum wage. We have some real concerns about older folks within their workplaces, that they're used to being treated in a certain way and now the laws are being changed that they may be expected to work a 10-hour day. There's no negotiation on that. That just happens. So, Mr. Speaker, we have some real concerns about this.

You know, the minister's advisory committee has asked, I think, a very important question. What is the rush? What is the rush, Mr. Deputy Speaker? Let's take the time.

Hundreds have communicated with this government over the last several weeks to say, let's take the time. Get it right. Let's do it right. And clearly this government is digging in its heels and saying, no, we've got an agenda; we're going to get it done. And we think that's just unfortunate that they're blinding attached to an ideological problem. When you see the pendulum swing too much either way, either way you create problems. And it's important that we preserve, that we preserve this piece of . . . this power balance, that we preserve this power balance, that as we move forward we want to make sure the economy is strong and performs even better than we have the balance. But we don't want to have unintended consequences.

So, Mr. Speaker, those are my points that I have, and clearly we think this bill is fatally flawed. Every day I will call for this bill to be delayed. We think it's important, but our best hope is actually that the bill be withdrawn. Thank you very much, Mr. Speaker.